

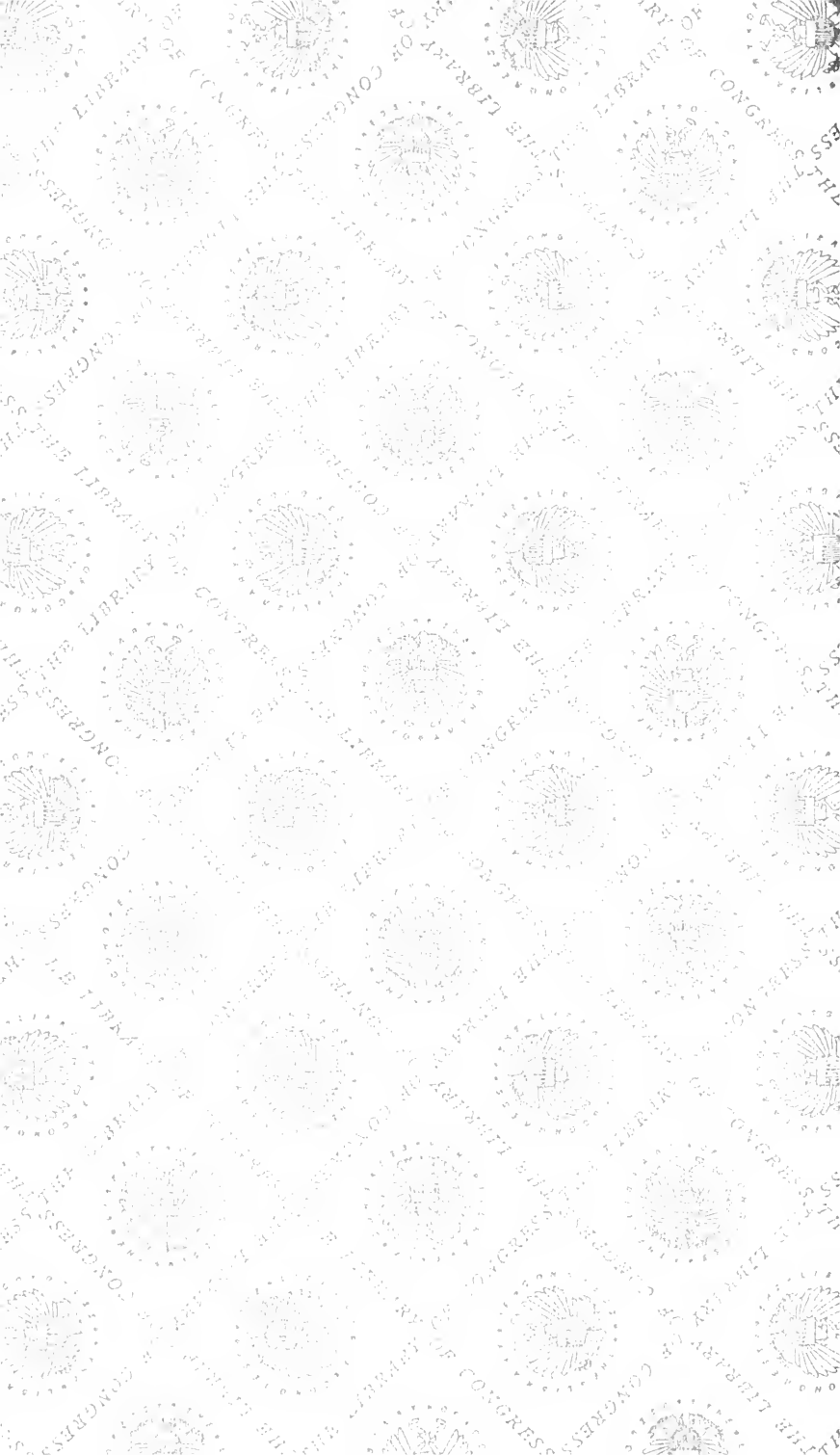
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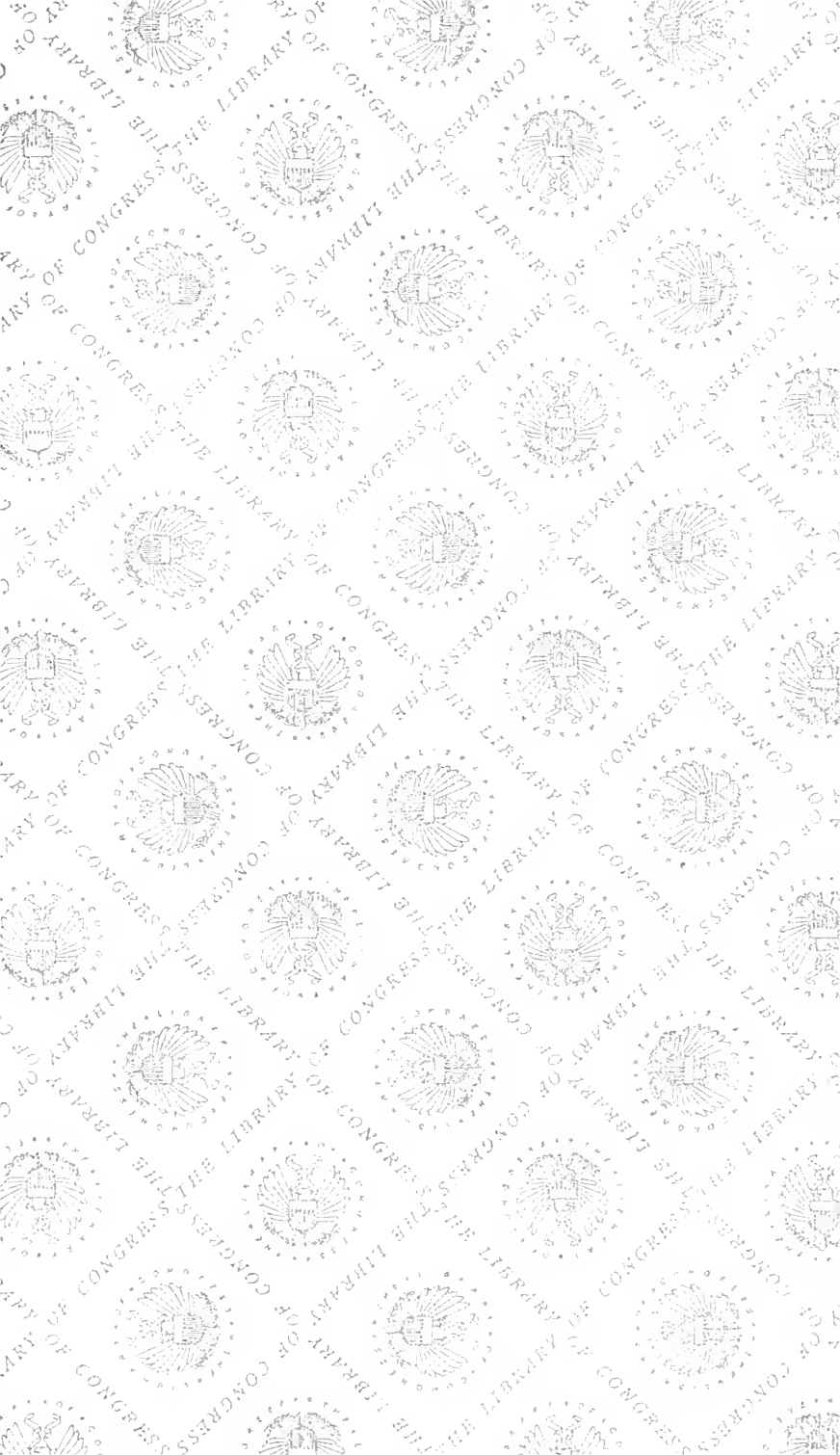
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# REPLY

OF

HON. JOHN J. M<sup>C</sup>RAE,

TO THE SPEECH OF

SENATOR FOOTE,

DELIVERED AT PAULDING, JASPER COUNTY, ON THE 12TH,  
AND AT QUITMAN, CLARK COUNTY, ON THE  
14TH APRIL, 1851.



..

New Orleans:

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## R E P L Y.

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FELLOW CITIZENS: I stand before you as the humble advocate of your rights, in opposition to one of your Senators in the Congress of the United States, who it is believed, has not maintained them in that high position, where they have been put in issue. This is, in some respects, a pleasant, in others an unpleasant duty to perform. To maintain your cause, and to vindicate the rights and honor of the South, is the highest pleasure of my heart. To review the course of your *wandering* Senator, to show that he has not maintained your cause, and that he has not vindicated the rights and honor of the South in the high position in which they were entrusted to his charge, is not so pleasing a duty. I would prefer, if it were possible, to welcome him with the voice of praise, and to bestow upon him no words of censure. But the conduct of the Senator himself leaves me no alternative but the disapproval of his course, and I proceed at once to the merits of his position. He has addressed you, and will again follow me. My time is limited, and in the order of discussion, I have no opportunity of reply. This gives him a great advantage; but when I have gone through with him on the record which I shall produce, I shall be satisfied to leave him to your judgment, feeling well assured that whatever may be your opinion of the merits of what are termed the "measures of adjustment," and the position which the State of Mississippi may hereafter take for the wrongs which have been done her, and which have been brought upon her in part by the Senator himself, by his advocacy of this "scheme of adjustment," your judgment will be that of condemnation of his course.

Before entering, however, upon this discussion, it is due to the Senator and to myself to say, that personally I cherish towards him no unkind feeling. For the many years we have known each other, feelings of friendship and good will have existed mutually between us; I have partaken of his hospitality, and now that he is in the country of my home, I welcome him to mine. And if, in the progress of my remarks, reviewing severely his course, any unguarded word of mine shall fall with offence upon his ear, I hope he will attribute it to my younger experience than his own in public discussion, and not to any intention wantonly to wound his sensibility.

The Senator comes among you, fellow-citizens, to receive the approval of those who sustain his course, to conciliate, if possible, the many who disapprove it, and who censure his conduct in his abandonment of your rights, and his wilful violation of the expressed will of the people of Mississippi, through their Legislative authority, to which he was directly responsible. He is, doubtless, well prepared for his own defence; he is a gentleman of learning, of *language*, and of talents, skilled in the high science of political controversy.

He comes from the Senate of the United States, the great theatre of debate, where he has held controversy first, and afterwards communion, with Webster, the God-like—where he has held controversy first, and afterwards communion, with Clay, “the eloquent and the great,” the “idol and the idolized” of his followers—where he has held controversy first, and afterwards, not communion, but collision, with Benton, now the “great defeated,” and in the language of the Senator himself, “more than Lieutenant-General in the high arena of political debate.” Under all these circumstances, the Senator has many advantages, and if in this controversy I should fall before his superior powers, I hope he will be generous to his vanquished foe. If I should not survive the contest, I ask him to smooth gently the pillow of my dying repose. But if, on the other hand, like David, the stripling of Israel, who went out with a sling and a smooth stone, and smote with it in the forehead and slew the great champion of the armies of the Philistines, it shall so happen to me, armed with the simple weapons of truth, to strike down this great champion and leader of the armies of the Union party. I promise that it shall be no matter of exultation on my part. If in this contest he shall fall by my hand, I promise to tread lightly over his grave, and though I could not strew it with “flowers,” I would chaunt over it no “requiem of triumph.” It will be gratification enough for me that the cause which I advocate has triumphed, and not that my adversary has fallen. I am already conscious that I hold him in my power by chains of his own forging. As conscious that he is already my victim, as that I will make him yours.

But the Senator comes also under the auspices of the organ of federal power at Jackson. The Federal Flag, which I hold in my hand, containing a published list of his appointments, accompanies them with the following remarks, among others of a similar character:

“General Foote left yesterday for Madison county, whence he will go on a canvass to a portion of the eastern counties. He will give himself entirely to the cause of the Union, etc. Look out, disunionists! We warn you that your adversary is in hot pursuit, and will expose your treasonable designs to the indignant and withering gaze of an insulted and patriotic public.”

Who of you can doubt, fellow-citizens, notwithstanding the unfair and false issue of “disunion” which this article presents, and the indelicate charge of “treasonable designs” attributed by it to honestly differing political opponents, that its reference was, in part, to myself? This article was, perhaps, written with the knowledge of the Senator; at all events, he gives to it his approval. He sails under the Flag of Federal power, in the *black ship* Consolidation. I meet him under the banner of State Rights, on the good old ship, Constitution, and I have no fears of the result of the battle. He comes as the champion and leader of what is termed the Union party. I meet him as the advocate of the rights of the South under the Constitution. I am here to meet him, by appointment of the friends of Southern Rights, who have designated me as one of the speakers for this district, to vindicate the cause of the South whenever it may be assailed, and to uphold it against those, whoever they may be, by whom it may be betrayed. I am here to meet him at the request of my own friends, and of his friends who desired me to have my name published on the same handbill with the Senator’s, to address the people at this meeting. I am here to meet him at his own invitation. When I saw him in November last, after a flying canvass through a portion of the State, he informed me that his opponents would not meet him in fair discussion. I replied to him they would, when a fair opportunity was afforded them. He then said, he would visit this portion of the State, and



asked me if I would meet him here. I told him I would, and I am here to make good my promise, by meeting him to-day. It gives me pleasure to do so, and without fear of the consequences. I meet him as the brave meets the brave, and I welcome him in this contest of courteous debate, as his friend Corwin desired that the American armies might be welcomed by the Mexicans, with "bloody hands," and I hope to give him a "hospitable grave."

The Senator says the issue is made, and it is "Union or Disunion." In other words, it is "prompt secession" for past wrongs, and he is glad that the gentlemen who meet him to-day are bold enough to avow it.

I hope, fellow-citizens, that I am bold enough to take an honest and just position, and to advocate whatever position I avow. But there is no such issue as this. It is a mere pretence to deceive the people by those who have betrayed their interests. The Senator makes this issue himself, having no merit upon which to sustain his own course, or the position of the party he represents, and utters it with *exclamation*, as if he really believed it to be true, and expected to enforce it upon all others, by the hallo with which he proclaims it. From the apparent horror with which he speaks of secession as a proper remedy under any circumstances, however enormous the wrongs which, in the last resort, may render it necessary; and the doleful lamentation which he makes over the "blood and thunder" which would follow a dissolution of the Union, the consequences of which would be the same, from whatever cause, connected with the subject of slavery, the separation of the States might take place, it might seem that the honorable Senator had never entertained an opinion of the correctness and rightfulness of the doctrine of secession in any event. For your information of his former opinions, of quite a recent date, not yet two years old, and by way of refreshing the memory of the Senator, I will read from a speech of his on this subject, published in the National Intelligencer, delivered in the Senate of the United States, on presenting the resolutions of the Mississippi Legislature, instructing our Senators, etc., to resist by all honorable and Constitutional means the admission of California, which instructions he afterwards so signally violated. The extracts from the Senator's speech are as follows:

"The obligations of that sacred instrument, [meaning the Constitution] are to be scrupulously observed and executed on the part of the Southern States, whilst its faithful observance by other members of the confederacy, is to be demanded and insisted upon. The *guaranties* in which the South is peculiarly interested, are to be respected by the free States of the Union, in all their scope and amplitude. If in all these important points the North should prove unwilling to do justice—(which Heaven forbid!)—if the offensive enactments menaced should be adopted, and the grievances already confessedly inflicted shall remain unredressed—then the Southern States will assemble in convention to consult for their own safety and welfare; and if justice shall still be withheld, after all pacific and constitutional expedients shall be tried, and tried in vain—why, then, the Southern States may feel it to be a duty forced upon them of seceding in the last resort from the Union."

These were the sentiments of the Senator before he was seduced by the blandishments of power or the influence of a national reputation. They were the sentiments, at the time they were spoken, of the people of Mississippi—they are the sentiments now of the friends of Southern Rights, which he has abandoned.

But the Senator, though to-day he is horror-stricken at the idea of secession, was not at that time content with the mere expression of his own opinion in favor of this doctrine, but

thought it necessary to enforce it by the opinions of the most illustrious men of the age, and even by the example of our Revolutionary sires. In his same speech above referred to, in speaking of the denunciation of the National Intelligencer against the Mississippi Address, in recommending a convention of the Southern States, he imputes to the Intelligencer, to condemn it in the strongest terms, the doctrine of non-resistance to usurpation, the reverse of which he declares "is the duty of all good citizens, and even of sovereign States," and says:

"It was not thus that our noble forefathers thought and acted; nor was it thus that, in a purer and more high spirited generation of public men, men either wrote or spoke. It was not thus that Andrew Jackson expressed himself in that famous proclamation in which, though rebuking nullification, he declared secession to be a just and proper remedy, to be resorted to in all cases of intolerable oppression. It was not thus that the honorable Senator from Massachusetts, [Mr. Webster] spoke the other day, in our hearing, when he emphatically declared the same doctrine. Such was not the doctrine of Philip P. Barbour, who asserted secession to be the *political arsenic* of our system, to be resorted to when all other remedies failed. Such, finally, was not the doctrine of Mr. Jefferson, who often-times declared secession, or "*scission*," as he called it, to be in certain cases of enormous and long continued outrage, the proper and only remedy. I find the opinion, on this point, of Mr. Jefferson, very precisely set forth in the eulogy delivered some years since upon the life and character of Mr. Madison, by Mr. John Quincy Adams. Here are Mr. Adams' own words, as printed in the volume from which I now read—

"Concurring in the doctrine that the separate States have a right to *interpose*, in cases of palpable infractions of the Constitution by the Government of the United States, and that the alien and sedition acts presented a case of such infraction, Mr. Jefferson considered them as absolutely null and void, and thought the State Legislatures competent, not only to declare, but to *make* them so; to resist their execution within their respective borders by physical force, and to *secede from the Union*, rather than to submit to them, if attempted to be carried into execution by force."

After this vindication of the horrible right of secession, by the honorable Senator, I hope he will not allow himself to be troubled in future by its *ghost*, which haunts him merely as a creature of his own imagination, since he has abandoned the doctrine which he once so fearlessly advocated.

But the Senator says the issue is made, and as the apparition of "secession" floats so constantly before his mind, I propose to examine the platform upon which he stands as the leader of his party, and see if there is nothing like "disunion" in that. I propose to compare it with the position of the friends of Southern Rights, the platform upon which I stand, and leave you to determine which is nearest "disunion," the Senator or myself.

In addition to the platform conjured up under the Senator's own auspices, and adopted by the self-styled Union Mass Meeting at Jackson, the 18th of November last, in which they "declare that violations of our rights may occur which would amount to 'intolerable oppression,' and would justify a resort to measures of resistance," from which I read at present only the two following clauses, the third and sixth Articles of the Union Faith, upon the violation of either of which resistance is to be made, viz:

3. The abolition by Congress of slavery in the District of Columbia.

6. The repeal of the Fugitive Slave Law, or the refusal by the general government to enforce the constitutional provision for the reclamation of fugitive slaves.

In addition to these, I say, the Senator and his *most excellent* Union party, now adopt the Georgia platform. He has so said to-day, and the concluding paragraph of the article in the Federal Flag, at Jackson, from which I have previously read, is in these words :

“General Foote avows his purpose to abide by the Georgia platform, which he thinks should be introduced into the November State Convention, verbatim, and passed without delay, and that the convention should then immediately adjourn.”

I now read you, fellow-citizens, the Georgia platform, as laid down by the State in her recent Convention.

“The State of Georgia, in the judgment of this Convention, will and ought to resist, even to the last resort, *to the disruption of every tie which binds her to the Union*, any action of Congress upon the subject of slavery in the District of Columbia ; or in places subject to the jurisdiction of Congress, incompatible with the safety, the domestic tranquility, the rights, and the honor of the slaveholding States ; or any act suppressing the slave trade between the slave-holding States ; or any refusal to admit as a State any territory hereafter applying, because of the existence of slavery therein ; or any act prohibiting the introduction of slaves into the territories of Utah and New Mexico ; or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.”

The Senator has adopted this platform. He stands upon it with his Union Party and cannot retreat from it. He has laid down in it distinctly and severally the propositions, upon the violation of either of which, by the action of Congress, “resistance” is to be made. He has declared in it distinctly the measure of resistance. It is “*to the disruption of every tie which binds the State of Mississippi to the Union.*” What do these words mean? Nothing like secession. I suppose, in the judgment of the Senator. Nothing like disunion. Oh, no! I suppose they mean “consolidation”—the sticking together of the States forever in inseparable Union. Where is Mr. Jones, the bookseller, with his great new edition of Webster’s Dictionary, (not Daniel, but Noah, the real Dictionary man,) to tell us the meaning of these words? Where is the school-master? Where is Dr. Newman, learned in Lexicography, to tell us what these words mean—“Resistance” “*to the disruption of every tie which binds the State to the Union!*” This is the measure of redress of the *par-excellence* Union Party, for “any action of Congress upon the subject of slavery in the District of Columbia ; or any act repealing or materially modifying the laws now in force for the recovery of the fugitive slaves.” But it don’t mean secession, nor disunion—nothing like that.

Well, fellow-citizens, the Senator voted for the Bill to abolish the Slave Trade in the District of Columbia.

Mr. FOOTE interposed and said he did not vote on the passage of the Bill.

Mr. M’RAE. I know the Senator did not vote for the bill on its final passage, but he voted for it at one time, to sustain it on a test question to lay the bill on the table. he was in favor of the Bill ; he spoke in favor of it, and though by the report in the Intelligencer he occupied the floor up to the very moment the question was taken—on its final passage he did not vote—he dodged the vote.

I read now from the National Intelligencer the proceedings in the Senate, August 28, 1850, to show you the recorded vote of the Senator, with Chase and other abolitionists to sustain this Bill on a “test vote.”

## SLAVE TRADE IN THE DISTRICT OF COLUMBIA.

Mr. CLAY. Before proceeding to the orders of the day, I desire the Senate to take up the Bill to suppress the slave trade in the District of Columbia, for the purpose of fixing an early day for its consideration.

The motion was agreed to, and the bill was taken up.

Mr. CLAY. The bill being before the Senate, I wish to propose such a day as will be most agreeable to the Senate. I move that it be made the special order for Monday next, at 12 o'clock.

Mr. FOOTE. I am in favor of that motion, but I hold in my hand an amendment which I desire to present, in order that it may be printed.

The amendment was ordered to be printed.

Mr. PEARCE. I also have an amendment which I desire to submit to the Senate for the same purpose.

The amendment was received informally, and ordered to be printed.

Mr. ATCHISON. Mr. President, by way of a test vote in relation to this bill, I move to lay it upon the table, and on that motion I call for the yeas and nays.

The yeas and nays were ordered, and being taken, were:

*Yeas*—Messrs. Atchison, Barnwell, Berrien, Butler, Davis, of Mississippi, Dawson, Downs, Houston, Hunter, Mason, Pratt, Rusk, Sebastian, Soule, Turney, and Yulee—16.

*Nays*—Messrs. Badger, Baldwin, Bell, Benton, Bradbury, Bright, Cass, Chase, Clay, Clarke, Cooper, Davis, of Massachusetts, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Douglas, Ewing, Felch, Foote, Greene, Hamlin, Jones, King, Mangum, Pearce, Phelps, Shields, Smith, Spruance, Sturgeon, Underwood, Upham, Wales, Winthrop, Whitecomb—36.

So the bill was not laid upon the table, and it was made the special order for Monday next, at 12 o'clock."

Again the proceedings in the Senate published in the National Intelligencer, Sep. 17, show the Senator voting with Seward and Chase to sustain this bill, by recording his vote against striking out the first section, and dodging the vote on striking out the second section of the bill. The following is the recorded vote:

"The question was then stated to be on the motion to strike out the two first sections of the bill, on which the yeas and nays had been ordered.

Mr. UNDERWOOD asked for a division of the question.

The question was accordingly first taken on striking out the first section of the bill, and the Senate refused to strike out, as follows:

*Yeas*—Messrs. Atchison, Berrien, Butler, Davis, of Mississippi, Dawson, Downs, Houston, Hunter, King, Mason, Morton, Pratt, Rusk, Sebastian, Soule, Turney, Underwood, Yulee—18.

*Nays*—Messrs. Badger, Baldwin, Bell, Benton, Bright, Chase, Clay, Davis, of Massachusetts, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Ewing, Felch, Foote, Green, Hamlin, Jones, Mangum, Norris, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Wales, Walker, Whitecomb, Winthrop—30.

The question was then taken on striking out the second section, and the Senate refused to strike out, as follows:

*Yeas*—Messrs. Atchison, Barnwell, Berrien, Butler, Davis, of Mississippi, Dawson, Downs, Houston, Hunter, Mason, Morton, Pratt, Rusk, Sebastian, Soule, Turney, and Yulee—17.

*Nays*—Messrs. Badger, Baldwin, Bell, Benton, Bright, Chase, Clay, Davis, of Massachusetts, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Douglas, Ewing, Felch, Greeno, Hamlin, Jones, Mangum, Norris, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Underwood, Wales, Walker, Whitecomb, Winthrop—31.

The first section of the bill which the Senator voted to sustain, by voting against striking it out, is in these words, and contains the whole abolition gist of the measure.

*“ Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That from and after the first day of January, eighteen hundred and fifty-one, it shall not be lawful to bring into the District of Columbia any slave whatever for the purpose of being sold, or for the purpose of being placed in depot to be subsequently transferred to any other State or place to be sold as merchandize. And if any slave shall be brought into said district by its owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free.*

These proceedings further show that Mr. Seward immediately following these votes, offered as a substitute for the bill abolishing the slave trade his bill abolishing slavery entirely in the District. The debate which ensued will show you that Senator Foote, in favoring the passage of the slave trade abolition bill, yielded the principle, and the power of Congress to abolish slavery in the District of Columbia, and that the the passage of the bill itself was yielded to the spirit of northern fanaticism, as an entering wedge to the actual abolition of slavery in the District, and was intended by its friends to assert the power and right of Congress actually to abolish slavery there. I read extracts from this debate. My time does not allow me to read it in full :

Mr. BALDWIN said : The Senate will recollect that a few days since I introduced to their notice certain resolutions passed by the Legislature of Connecticut, one of which was in favor of the immediate prohibition of the slave trade in the District of Columbia, and of the abolition of slavery upon such terms of compensation to the slaveholder as may be just and reasonable. In that respect, therefore, it accords with the action which is now made by the Senator from New York, but I am not prepared to vote for this proposition as an amendment to the bill before the Senate. I have hoped, and still hope, that the bill reported by the committee for the abolition of the slave trade in the District may be adopted by Congress, and I should be very unwilling to do anything which would have a tendency to prevent the favorable action of the two houses of Congress upon the bill as it was originally reported.” \* \* \* \*

“ Now, in my view, any action which the Senate may have upon the amendment which is offered by the Senator from New York, and the amendments to it which will very probably be proposed by others, will tend to embarrass and prevent the favorable action of Congress upon the proposition now before us for the immediate abolition of the slave trade in the District, and I prefer myself that the two houses shall act finally upon this bill as a separate measure, before we enter upon the consideration of any other proposition, which, however desirable, there is less reason to believe will be immediately successful. Such a course will, in my opinion, better comport with the resolutions of the Legislature of my own State to which I have referred.

Mr. MANGUM. I have already remarked, sir, since this subject has been under consideration before the Senate, that there has been no period for five-and-twenty years, when, if brought forward under proper auspices, I would not with great cordiality and pleasure have voted for the abrogation of the slave trade in this District. I have now

changed my course. I shall not vote for it. I am satisfied from developments that are made, that it is impossible to satisfy certain gentlemen. To obtain their objects they would wade through the blood knee deep of the whole South, and over the wreck of this Union. The further discussion of such subjects as this, in my judgment, only tends to operate as an entering wedge to enable these gentlemen to attain the object which they have sought at all times, hazarding the existence of the Union and the safety and liberties of the South.

Mr. MASON. I am exceedingly reluctant to transgress any rule of the Senate. But I confess I have great difficulty in choosing between the two propositions now presented, [the compromise, slave trade abolition bill, and Mr. Seward's slavery abolition bill in the District.] The Senate having refused to strike from the bill that which relates to the slave trade within this District, I can look upon the proposition of the Senator from New York, as only effecting directly what the other, however, intended must effect indirectly. One cuts the whole cord; the other cuts one stran merely. I should be at a loss how to vote on the two propositions."

Mr. CHASE. Mr. President, it seems to me that a great deal of feeling has been exhibited in this Chamber, which the circumstances hardly seem to warrant. We have a bill before us which provides for the abolition of the Slave trade in this District. It has been correctly said by the Senator next me, from Virginia, (Mr. Mason) that this is a step towards the abolition of Slavery itself; and gentlemen deceive themselves if they suppose it is the last step. For one, Mr. President, I am prepared to act upon the principles I avow. I am prepared to act now as well as at any other time. I shall not seek to excuse myself from voting for a proposition, which commends itself to my judgment, on the ground of time, or place, or circumstances.— \* \* \* Gentlemen tell us, if we adopt this substitute, it will dissolve the Union. Sir, the Union has stood many shocks, and will, I believe, stand this, if this be a shock at all."

Mr. BUTLER. Mr. President, I am one of those who feel very much in doubt how to vote on this matter, because it is very obvious that there are a great many who will vote against this amendment, for the reason that they wish to gauge—yes, sir, I use the word "gauge",—our legislation so as to make it operate gradually, but in effect, looking to the same end. And it is very obvious that some will vote against this amendment upon the ground that it would be more expedient to take another form of effecting the same object. With this knowledge before me, I do not choose to allow myself to be blinded to results. And, sir, when the tone of public sentiment at the North can bear it, they will carry you to that result."

After some remarks in reply to Mr. Butler, Mr. Foot, said, "Sir, I should be very much pleased, indeed, to vote for this bill. I was exceedingly anxious to vote for it. Accordingly, I proposed various amendments with the view of enabling me to do so. I believe that the bill in its present form, without any amendment, was not only well intended, but well conceived. But I perceive, and others, I think, will perceive, that ingenious men have already, to some extent, made a lodgement upon the public mind in regard to it, and dishonest editors and intriguing politicians have so calumniated this measure, that it is to a great extent misunderstood in the South. And I apprehend its adoption, without amendment, particularly after what has occurred this morning, would at the present time, to some extent, awaken discontent in the South. Believing that would be the effect, and being opposed to awaking that feeling in any quarter of the Union, I shall be compelled, most reluctantly and painfully—if I vote at all—to vote against the bill."

At the same time Mr. President, while I thus frankly declare my views, I feel bound in addition, to say that I recognise and consider this proposition of the Senator from Ohio (Mr. Chase) as a proposition to dissolve the Union.

Mr. WINTHROP. Mr. President, if I shall vote against the amendment which has now been proposed by the honorable Senator from New York, (Mr. Seward,) it will not be because I regard it as a proposition to dissolve this Union. I do not know what might be the effect of that amendment, if it were adopted. But it really seems to me that the idea that the liberation of two thousand, or at the most twenty-five hundred slaves—

Mr. BALDWIN. Not twenty-five hundred. There are only six hundred slaves here.

Mr. WINTHROP. I think the Senator must be mistaken; but if it be so, then I say, with all the more emphasis, that the idea that the liberation of six hundred slaves on a little piece of territory now reduced to about six miles square, is about to dissolve this Union, altogether surpasses my belief. I am not quite credulous enough for that.

Mr. FOOTE. Will the honorable Senator bear with me to allow me to explain on one point?

Mr. WINTHROP. Certainly.

Mr. FOOTE. Mr. President, it is not the number of slaves: it is not the immediate consequences; it is the heinous violation of the political compact of our fathers. It is the principle—the most unpardonable injustice towards the South—which must inflame the public mind, and must inevitably awaken apprehension that this is but the entering wedge to other and more aggressive measures, which are afterwards to follow. That is my view of the matter.

Mr. WINTHROP. I believe I understod the honorable member from Mississippi before. The facts of the case were certainly as I stated them. His suggestion was, that the passage of a bill to emancipate six or seven hundred negroes on this little patch of territory, which you may almost cover with your pocket handkerchief, was about to be the entering wedge which was to rive this vast Union assunder. Sir, it must indeed be the operation of some awful and mysterious principle, and not the operation of the act itself, which is about to produce this tremendous result.

And that leads me to say in the second place, that if I should vote against this amendment, it will not be on the ground that I do not believe Congress have the power to abolish slavery in this District, nor upon the ground that I am not willing to exercise that power on the proper occasion and in a proper manner. That I understand to be the principle which is about to dissolve the Union. The assertion and exercise of this power is so hideous a violation of the political compact, and so unpardonable an injustice towards the South that the dissolution of the Union is inevitable! Sir, I hold to no such doctrine; and I desire, if by any chance my name should be recorded against this amendment, to protest in advance against being understood to acquiesce in any such idea."

These extracts are not continuous, but are the most pointed I can give, not being able to read the whole debate. Can any one doubt from this discussion that the slave trade abolition bill, was yielded to the spirit of free soil fanaticism, and that it was intended by its friends to assert the power and the right of Congress to abolish slavery in the District, leaving it as a mere question of time and expediency, to the hostile anti-slavery majority who now and for all future time have in their hands the control of the Government. And yet the Senator now before you, who favored this measure, declaring the power of Con-

gress, to *liberate and free slaves* in the district, from which other conservative Senators—Mr. Mangum especially recoiled with indignation and horror, witnessing the intolerant spirit of *fanaticism* with which it was enforced, boldly announces himself and his party who rejoice at this “measure of adjustment and peace,” as the Simon pure Union men, while at the same time, he stakes the dissolution of the Union upon an act, which by his course, he has encouraged and still invites, admitting the right and the power of Congress to perform it, and declaring that if it is performed, or if “*any action of Congress upon the subject of slavery in the District of Columbia*” is taken, it is to be resisted “to the disruption of every tie which bind the State to the Union.” If the Senator and his party are not upon the verge of “disunion;” if they are not the real “disunionists,” then do I confess, that looking to the progress of freesoil fanaticism at the North, and witnessing its daring, and its triumphs in the popular assemblies, and in the senatorial elections in the great States of Massachusetts, Ohio and New York, I have either been mistaken in its aims, or I have misinterpreted its real objects.

The Senator says in the remarks of his, which I have just read :

“I should be very much pleased indeed to vote for this bill. I was exceedingly anxious to vote for it. Accordingly I proposed various amendments with the view of enabling me to do so. I believe that the bill in its present form, without any amendment, was not only well intended, but well conceived.”

I have already read to you the first section of the bill, which the Senator voted to sustain, and I now repeat the last clause of it. It is as follows:

“And if any slave shall be brought into the said District by its owner, or by the authority, or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become *liberated and free*.”

This the Senator considers “*was not only well intended, but well conceived*.” This power of Congress to *liberate and free slaves*.

Again he says, least it should awaken discontent in the South, and being opposed to awaking that feeling in any quarter of the Union. “I shall be compelled *most reluctantly and painfully* if I vote at all—to vote against the bill.”

But he took care, *not to “vote at all.”*—Though, as I have said, he spoke up to the very moment the question was taken on the passage of the bill, and then dodged the vote.

Mr. FOOTE. Will the gentleman allow me. Some time intervened after closing my remarks before the vote was taken.

Mr. McRAE. The record which I read from the National Intelligencer does not show it. It follows the Senator’s remarks immediately with the vote.

Mr. FOOTE. Then you may consider me as voting for the bill.

Mr. McRAE. The Senator says I may consider him as voting for the bill. This places him with the whole abolition phalanx, Chase, Hale, Seward, and others whose names are recorded in favor of this bill, involving, and yielding, the vital principle to the South, of the power and right of Congress to *liberate and free slaves*.”

Now, fellow citizens, on the first introduction into the Senate of Mr. Clay’s resolutions of Compromise, the Senator took eight distinct positions, as published in the Nat. Intelligencer, January 31st, ’50, mostly adverse to every proposition contained in the resolutions. I read you his first and sixth positions.

“Objectionable, 1st. Because they only assert that it is not *expedient* that Congress should abolish slavery in the District of Columbia: thus allowing the implication to arise that Congress has power to legislate on the subject of slavery in the District, which may



hereafter be exercised if it should become expedient to do so ; whereas I hold that Congress has, under the Constitution, no such legislative power at all, and that *any attempt* thus to legislate would be a gross fraud upon all the States of the Union

6th. "As to the abolition of the *slave trade* in the District of Columbia, I see no particular objection to it, provided it is done in a *delicate* and *judicious* manner, and is not a *concession to menaces, or demands of factionists and fanatics*. If other questions can be adjusted, this one will, perhaps, occasion but little difficulty."

Directly in the face of the first of these positions, the Senator afterwards supported by his speeches, and sustained by his vote on two occasions, and say now he may be considered as having voted for it on its passage, the slave trade abolition bill, declaring in express terms the power of Congress to *liberate* and *free* slaves in the District of Columbia.

Directly in the face of his other position, he afterwards supported and sustained by his votes this same law, when it was passed *in a manner "so indelicate and injudicious"* as to "*liberate and free*" the slave, on certain conditions, and was so evidently yielded as a "*concession*" to the "*demands of factionists and fanatics,*" that other Southern Senators scarcely knew how to choose between it and a proposition directly to abolish slavery in the District. And Mr. Mangum (of North Carolina) always a conservative man, was forced to say, "That there had been no period for five-and-twenty years when, if brought forward *under proper auspices*, he would not with great cordiality and pleasure, have voted for the abrogation of the slave trade in this District. He had now changed his course. He would not vote for it. He was satisfied from *developements that were made*, that it was impossible to satisfy certain gentlemen. *To attain their objects, they would wade through the blood, knee-deep, of the whole South, and over the wreck of this Union*. The further discussion of such subjects as this, in his judgment, only tended to *operate as an entering wedge* to enable those gentlemen to attain the object which they have sought at all times, *hazarding the existence of the Union and the safety and liberties of the South*."

How the Senator can reconcile such inconsistency between his first position and his last, and excuse himself, "lest he should awaken discontent in the South," is past my capacity to understand. It is past the comprehension of the common understanding of the people of the State, whose interest and whose will he has so strangely misrepresented.

I read lastly on this head, from the National Intelligencer of September 19, extracts from the debate in the Senate, immediately preceding the passage of this bill, with the final vote upon it, and I have done with this branch of the subject:

Mr. DAVIS, of Mississippi, said: Whilst gentlemen are dividing the honors that result from the passage of these bills, either in a joint or separate form, I have only to say, that so far as I represent the public opinion of my State, I do not represent that public opinion which required the passage of them here, either jointly or separately." \* \*

"If any man has a right to be proud of the success of these measures, it is the Senator from Illinois, [Mr. Douglas.] They were brought before the Senate by the Committee on Territories, and this Committee of Thirteen, which has done so much for the honor of the Senate and the country, merely stuck together the work of other men, save and except the little bill to suppress the slave trade in the District of Columbia. I merely wish to say that so far as the public opinion of the community which I represent has been shadowed forth in public meetings and in the public press, it has been wholly adverse to the great body of these measures."

Mr. FOOTE. I will detain the Senate but a moment longer. I was not one of the Committee of Thirteen, but I was one who most cordially applauded their labors; and I think they did a great deal. Certain it is that these bills were reported by the Committee on Territories; but it was equally certain—and I believe I may say that without egotism—that the report of the Committee on Territories was based upon bills introduced by myself.

Mr. DAVIS, of Mississippi, (in his seat.) Oh, yes, I give you all the credit for that.

Mr. FOOTE. Now I feel bound to say, in reply to my colleague, that I differ with him much upon a certain delicate point which he brought to our notice this morning. We differ, sir, now as we always differ—as *friends*; and whatever difference of opinion may exist between us, I take pleasure in uniformly referring to him as a gentleman whose motives are as good as my own, though his judgment with regard to certain measures is not in accordance with mine. He has concluded by saying that he does not represent that public opinion which is in accordance with this plan of adjustment. I am gratified at having it in my power to say that I do represent that precise state of public opinion which he repudiates. I feel bound to say, in addition, (and I say it with my hand on my heart, and with the solemn determination to tell the truth about this matter, as I understand and believe it,) that my opinion is, that nine-tenths of the enlightened freemen of the State of Mississippi are now, and have been all along, cordially in favor of this much abused plan of adjustment; and I predict that they will deliberately and formally sanction hereafter all that the Committee have done. I believe they will declare their approbation of all the labors of the Committee, and avow their concurrence in all that I have done and said at any time, as one of their Senatorial representatives. Such is my opinion. My colleague entertains a different opinion. We shall soon be at home among our constituents, where we shall confer together as friends, and where we shall consult our mutual constituents also as friends. I go for consulting them, and if they decide against me, I shall be no longer an occupant of a seat in this body.

Mr. HALE. Mr. President, I rise to enquire what is the question before the Senate.

The PRESIDENT. It is on the passage of the bill to “suppress the slave trade in the District of Columbia.”

Mr. DAVIS, of Mississippi. Mr. President, I have heretofore declined to state by vulgar fractions the opinions of the State which I represent. I do not intend to do so now. I have heretofore stated that I believed I represented the opinions of my constituents in opposing these measures. I am firm in that belief. But I do not intend to argue with my colleague about his opinions. I am well assured he will find no nine-tenths in any one county, still less in the State of Mississippi, favoring his course on these measures. The language expressed by my colleague here on other occasions excited surprise in Mississippi, and has been remarked upon by the public press. I know of no community in Mississippi, not a single town or county, where I believe he can find a majority in favor of all these measures—and nine-tenths is such a majority as scarcely leaves opposition to any proposition. That nine-tenths of the people of the State are in favor of a system of measures which nearly every prominent man in the State has condemned, is an assertion that marks clearly how far the warm impulses of the gentleman, when pursuing any measure to which he attaches himself, will lead him from the calmer feeling of his maturer judgment.

As to the opinion of my colleague, I know him too well to doubt that he says what he thinks. I know him well enough to be assured that his excitability has led him into error

in relation to this matter. When he and I visit our constituents at the short period to which he refers, he will find where public opinion is.

Mr. FOOTE. Mr. President, a single word.

The PRESIDENT. The Chair is under the necessity of stopping this course of debate. It is not at all relevant to the question under consideration.

Mr. FOOTE. I hope the chair will bear with me while making a single remark. I am perfectly willing to abide by the decision to which my colleague refers. And I am willing to leave it to the Senate and to the country to decide whether he or I am the more "excitable" man of the two. [Laughter.]

Mr. MASON called for the yeas and nays on the passage of the bill, and they were ordered, and were as follows:

*Yeas*—Messrs. Baldwin, Bright, Cass, Chase, Clark, Clay, Cooper, Davis, of Massachusetts, Dayton, Dickinson, Dodge, of Wisconsin, Dodge of Iowa, Douglas, Ewing, Felch, Fremont, Green, Gwin, Hale, Hamlin, Houston, Jones, Norris, Seward, Shields, Spruance, Sturgeon, Underwood, Wales, Walker, Whitecomb, and Winthrop—33.

*Nays*—Messrs. Atchison, Badger, Barwell, Bell, Berrien, Butler, Davis, of Mississippi, Dawson, Downs, Hunter, King, Mangum, Mason, Morton, Pratt, Sebastian, Soule, Turney, and Yulee—19.

The Senator did not vote but he says I may consider him as having voted for the bill. This places him in the category with Chase, Seward, and Hale, and I understood my friend, Judge Smith, in his opening speech to say that the Senator, only a day or two since at Hillsboro, pledged himself to resign his seat in the Senate if his name could be found recorded in the vote with these gentlemen on any question involving the interests of the South connected with slavery.

Mr. FOOTE. I so stated, but do you ask me to resign for saying that you may consider me as having voted for this bill?

Mr. McRAE. Not at all. I do not ask the Senator to resign for anything. A Senator who disobeys the instructions of the Legislature, his immediate constituents, cannot be expected to yield to the request of the citizen, nor to be held responsible to his private pledges. But if the Senator will abide by his pledges, I will show him before I conclude, that he will be compelled to resign. The Senator nods assent that he will. Then he will have to resign, as I will show him in the sequel.

The second position of the Senator and his party, in their Union platform, is, "that any act of Congress, repealing or materially modifying the laws now in force for the recovery of fugitive slaves, is to be resisted *to the disruption of every tie which binds the State to the Union.*" Now, the Senator, I believe, supported and voted for the Fugitive Slave law. He believes it the great *compensating advantage* which the South received in the legislation of Congress, for the spoilation from her of the territories, and the admission and assertion of the power of Congress to *liberate* and *free* slaves. Though the large majority of Southern Senators believed that it was the mere carrying out of a plain, express, constitutional right, which did not admit of compromise. He believes in the constitutional power of Congress to pass this law, and of the constitutional power of Congress to "repeal or modify it." The constitutional power of Congress over this subject, with a few exceptions, is generally conceded. I believe myself, with Mr. Webster, that it is peculiarly the duty of the States to deliver up fugitive slaves, and to provide suitable laws for this purpose. He says in his great speech of the 7th of March, on Mr. Clay's resolutions:

"No man fulfils his duty in any legislature who sets himself to find excuses, evasions.

escapes from the constitutional obligation. I have always thought that the Constitution addressed itself to the Legislatures of the States, or to the States themselves. It says that those persons escaping to other States shall be delivered up, and I confess I have always been of the opinion that it was an injunction upon the States themselves. Where it is said that a person escaping into another State, and becoming, therefore, within the jurisdiction of that State, shall be delivered up; it seems to me the import of the passage is that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now."

"In this opinion of Mr. Webster, fellow-citizens, I concur, but at the same time, I believe, that if the States fail or refuse to do their duty on this subject, Congress has concurrent jurisdiction with them under the Constitution, and has the power to pass laws to enforce this constitutional provision. The Senator, however, believes in the constitutional power of Congress over this subject to its fullest and most unlimited extent, he even went so far as to advocate a proposition to make the United States liable to the owner of the slave which was not recovered, for its value, instead of the State, by whose opposition the fugitive escaped, by which the South would have to pay, through the national treasury, one-half or two-thirds of the value of her slaves, stolen by the abolitionists. He believes in the entire constitutional power of Congress to enact, and by consequence, to repeal or modify the fugitive slave law, and yet he says in his great devotion to Union, that "if Congress repeals or materially modifies this law," which they have a perfect constitutional right to do, and provide any other sufficient law, or leave standing the old law of 1793, enacted under Washington, as good a law as the South desires, if the Northern States and people would faithfully execute it, he is for "*resistance*," "*to a disruption of every tie which binds the State to the Union*." The Senator and his party must be *great lovers of the Union*, or else they are endeavoring to play the greatest and clumsiest farce that ever was enacted, on so serious a question, before an intelligent people.

But there is another view of the Senator's great Union platform, to be taken. It is this, that in the event of the violation of either of the propositions, laid down in it, which I have discussed, "secession," "disunion," is to take place, as a separate state measure: by single, separate State action. The language of the platform is: "The State of Georgia, in the judgement of this Convention, will and ought to resist, even as a last resort, to a disruption of every tie which binds her to the Union, any action of Congress upon the subject of slavery in the District of Columbia," &c., "or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves." The Senator, "avows his purpose to abide by the Georgia platform, which he thinks should be introduced into the November State Convention, *verbatim*, and passed without delay, and that the Convention should then immediately adjourn." The State of Mississippi, then separately, single-handed, and upon her own hook, in the judgement of the Senator, and his most excellent Union Party, in the event of a violation of either of the above articles of their faith *will and ought to resist, even as the last resort to a disruption of every tie which binds her to the Union*."

Well, fellow citizens, looking to the position of the Senator and his party, and their efforts to deceive the people with the false cry of Union, under which they mask themselves, this platform is going a little farther towards "disunion" *per se in rem* and *in re*, than any thing I have yet seen; and a little farther, than I had supposed our excellent Union loving friends would have dared to venture. In making these remarks I would not be understood, to oppose resistance to legislation by Congress "upon the subject of

slavery in the District of Columbia." "or the repeal, or essential modification of the fugitive slave law." I think they ought to be resisted, but I think the friends of Southern Rights, the friends of equality of right, and the safety of the South at this moment of peril to her liberty, and her institutions, the party upon whose platform I stand, occupy the true position on that question, and are the true Union men, by whose efforts alone, the Union must be sustained, if it can be at all, as it was framed for us by our fathers; granting to each State, and to every American citizen, equality of right and dignity in the Union, and in all its territory whether North or South, or upon the Atlantic or Pacific shores.

That the Senator and his party, who have been instrumental in bringing upon us the wrongs which have been done, us, by the legislation of Congress, under what is called the "scheme of adjustment," acquiescing in, submitting to, and rejoicing over these measures, by which the South has been despoiled of the Territories—a sovereign slave State, shorn of a part of her domain, to make it free soil, for a price offered for her acceptance, with the alternative of the sword, if rejected—the power of Congress, asserted, to *liberate* and *free* slaves in the District of Columbia, and thereby encouraging and inviting further aggression, should set themselves up as the "*par excellence*" friends of the Union, and at the same time lay down a platform of their faith, declaring that "any action of Congress upon the subject of slavery in the District of Columbia," which they have admitted, the principle, the power and the right of Congress to take, "for any act repealing or materially modifying the fugitive slave law," over which they acknowledge the constitutional power of Congress, are to be resisted by the separate State action of Mississippi, "*to a disruption of every tie which binds her to the Union*"—I say that the Senator and his party under such circumstances, and occupying such a position should claim to be the genuine Simon pure union men, and denounce all others who differ with them, as "disunionists" and "traitors," is simply to my mind ridiculous, and too shallow a pretence to deceive the intelligent people of Mississippi, whose rights and whose interests have been so grossly betrayed, by the "scheme" of the pretended "compromise."

"I come now, fellow citizens, to consider the position of the friends of Southern Rights, the platform upon which I stand, upon which in my judgment, the safety of the South and the integrity of the Union depends, and upon which I believe the great majority of the people of Mississippi will stand at the ballot box in September and November, when the questions are fairly understood by them. This position can be best and most concisely presented by an extract from a letter of your distinguished and faithful Senator, Col. Jeff. Davis, written at Jackson, Nov. 19th, 1850, and addressed to Messrs. Nabors, Ames, and other self-styled Union gentlemen, and by reference to a very able address to the people of Mississippi, by the Hon. A. M. Clayton, one of the judges of the high Court of our State. Col. Davis says, as his opinion of our duty in the present crisis.

"I am in favor of the execution of the plan indicated by the State Convention of October, 1849, the address of that Convention to the slaveholding states, and by the Legislature of the state at its last session, which I consider may be stated thus: to submit the question to the people, in a law, for the assembling of a Convention of the State, to consider of and decide on our present condition and future prospects, and the measures which should be adopted. To prepare for the defence of the State, armed if needed be. To propose a Convention of the slaveholding States, to be composed of firmly elected delegates, which should unite all those States who were willing to assert their equality, and right to equal protection, and equal enjoyment of the common property. The States thus united should, in my opinion demand of the other States, such guarantees as would

secure to them the safety, the benefits, the tranquility which the Union was designed to confer."

The Clayton Address defines that these "guaranties" are, which Col. Davis says should be demanded of the other States through a Convention of the slave-holding States, composed of formally elected delegates, to secure to the South, *the safety, the benefits, the tranquility* which the Union was designed to confer. The Address suggests that this convention should demand:

A guarantee that fugitive slaves should be delivered up, in the same way that fugitives from justice are, and that the State authority shall assist in and compel their delivery.

A guarantee that all future discussion or agitation of the subject of slavery in the halls of Congress shall be excluded, unless with a view to extend to it the protection given to other descriptions of property.

A guarantee by which either of the two great sections of the confederacy should, in future, be deprived of the power of oppressing the other by unequal and unjust taxation, whether direct or indirect.

Also, that it should ask that Congress shall extend the Missouri Compromise line to the Pacific Ocean, and to that end, obtain the consent of California that such line may constitute her southern boundary, and that the right of the people of the slave-holding states, to carry their slaves to all territory south of it, shall be acknowledged and secured.

To make these guarantees effectual, the Addresses suggested that the *three* first shall be made a part of the fundamental law—that they shall be incorporated as additional articles in the constitution of the United States. The last is an application to the desecration of Congress to do justice to the South and establish her equality of right in the Union.

This, fellow-citizens, is the platform of the friends of Southern Rights—in my judgment the true Union party, desiring to preserve the Union as it was established, not as a means of degradation, and an engine of oppression, but to "establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity"

The two first of the above guarantees, if made a part of the fundamental laws, would be incorporated as additional articles in the Constitution, simply as articles of construction; it being now the judgment and position of all parties in the South, that Congress has strictly under the Constitution, no power to agitate or act upon the subject of slavery anywhere except to give to it the protection which is given to all other property; and it being further the opinion of all parties in the South, corroborated by that of many northern statesmen, especially of Mr. Webster, which I have already presented to you, that the Constitution is now directory to the States—is a command to them to deliver up fugitive slaves, and that it is their special duty to do so, and to provide by law for their most early and effectual delivery.

The *third* guarantee, if made a part of the fundamental law, would be incorporated as a positive additional article in the Constitution, rendered necessary by the destruction of the equal powers of the two sections in confederacy, by the late action of Congress in depriving the South of her equal right in the territory, thereby securing to the North a permanent sectional majority in the control of the government, and making it absolutely essential, looking to the spirit of hostility in the North against our institutions, and the antagonist interests of northern to southern labor, for the advantage and support of which they use the government against us, that the South shall have certain security

against unjust and oppressive taxation either directly or indirectly. Should this guarantee be obtained, and Congress should fail in an honest effort to obtain from California her consent to make the line of 36 30 her southern boundary, in its extension to the Pacific on the terms demanded, it would afford the south in some measure redress for the past, by giving her assurance that the equal power of the two sections was not destroyed in the settlement of the territorial questions for the purpose of oppressing her, and would leave her a just hope of security in the future.

Col. Davis, in his letter, further says :

“ If” these guarantees “be granted, the minority could live in equality under the temple of our federal compact ; if refused, it would be conclusive evidence of the design of the majority, to crush all paper barriers beneath the heel of power ; the gulf of degradation would yawn before us. The equality to which we were born being denied, and the alternative of slavish submission or manly resistance being presented to us, I shall be in favor of the latter. Then, if full provision has been made, in the preparation of arms, of munitions of war, of manufacturing establishments, and all the varieties of agriculture to which our climate and soil are adapted, the slave-holding States, or even the planting States, may apply the last remedy—the final alternative of separation without blood-shed or severe shock to commercial interests. Painful under any circumstances it must be to those who have through life cherished the hope of perpetuity to our Union, to see it destroyed ; but faithful history will record our many sacrifices to preserve it, and the responsibility of its destruction must attach to those who, by assaillment of the constitution, which they have the power to violate and not the will to observe, have stifled in the Union the breath of its existence. A most unfair attempt has been made to put in the foreground the question of Union or Disunion by those who were violating or surrendering our constitutional rights. To yield to aggression is to produce, certainly in the future, that condition from which dissolution must and civil war probably will spring ; unless it be assumed, that the southern minority will hereafter consent to occupy such a position, towards the northern majority as the colonies of North America, on the 4th July, 1776, determined not to hold towards the Kingdom of Great Britain.”

Again, he says :

“ If any have falsely and against the evidences before them, attempted to fix on me the charge of wishing to dissolve the Union, under existing circumstances, I am sure your information and intelligence have enabled you to detect the shallow fraud. If any have represented me as sseeking to establish a southern confederacy, on the ruins of that which our revolutionary fathers bequeathed to us, my whole life, and every sentiment I have ever uttered, in public or private, give them the lie.

If any have supposed gratuitously, (they could not otherwise,) that my efforts in the Senate were directed to the secession of Mississippi from the Union, their hearts must have been insensible to the obligations of honor and good faith, which I feel are imposed upon me, by the position of an accredited agent from Mississippi, to the Federal Government.”

The Clayton Address says : “ If redress like this (the guarantees demand) can be obtained the whole difficulty will be ended, by means which cannot meet objection from any quarter.”

Again it says : “ If the North shall refuse to accede to our just demands, then will come up for decision the question, whether we shall submit to grievous wrongs, and take the position of inferiority assigned to us in the Union, or look to ourselves for the protection of our rights and our institutions out of it. The evidence of hostility on their part will be

complete—the cup of submission on ours will be full. Non-action beyond that point, will be unconditional submission. If we would remain a free people, we must resort to such remedies, as, under existing circumstances, should then promise to be most effectual.”

Again, the Address says: “We are by no means prepared to recommend to the people of Mississippi at this time, to take this step (“secession”) in advance of her sister states, even should our complaints go unheeded; but as a measure of precaution, it will become the duty of the Convention to act with reference to the consequences of a refusal, on the part of the Government of the United States, to redress these grievances and to afford guaranties for our future protection and safety, and to that end to provide for the appointment of delegates, whose duty it shall be, in case of such refusal, to meet the delegates of the other Southern States in Convention, and jointly to consider of the grievances, and the mode and measure of redress.—The plan of action thus to be devised by their united wisdom, to be laid before the people of the States therein represented, for their final adoption or rejection.”

And again: “We have no desire for a severance of this Union. Long may it survive if it can be brought back to its pristine purity, to dispense equal justice, and insure domestic tranquility, to a free, united and happy people. We are ready to surrender much to preserve it.”

I have thus, fellow-citizens, presented to you fairly the platforms of the two parties. The one upon which the Senator stands contemplates a dissolution of the Union, as I have shown, upon the happening of either of two contingencies, which by his action heretofore and his admissions now, Congress has a right to create, and which, looking to the progress of freesoil sentiment at the North, in its triumphs of fanaticism and power over the popular and legislative assemblies, by the conduct of the Senator and his party, acquiescing in, submitting to, and rejoicing over the wrongs which have been done to the South by the legislation of Congress, thereby inviting further aggressions upon our rights, it is rendered most certain will take place. He stakes, and hazards, the *dissolution* of the Union, upon the happening of either of two events, which he says the state of Mississippi, singly, separately, by her own separate State action, “will and ought to resist, in the last resort, to a disruption of every tie which binds her to the Union,” at the same time daring, and challenging, his Northern adversaries, who are steadily and deliberately marching up to his marks, to the accomplishments of these results, having, by his former and present conduct, invited and welcomed them, to their performance.

The platform upon which I stand, and the party of Southern Rights, states no such hazard of the Union. It seeks its preservation under the Constitution, by a course of reasoning with our adversaries at the North who would destroy it.—It seeks organization through the Union of the southern states, to demand reasonable redress for past wrongs with just security for our future safety, and places the alternative upon the Northern people, who have a majority in the Government, of deciding upon the dissolution of the Union, if such an event must occur, in the preference to granting us these demands, which call upon them for no sacrifice of their honor, their interests, or their rights. And in the event of their refusal, it refers back to the people of the aggrieved states looking to the condition of things at the time to decide upon the mode and measure of redress—the means to be adopted for their security and safety, the preservation of their rights, their liberties, their honor and their independence as a free and happy people.

You will easily determine, fellow-citizens, under this state of facts whether the



Senator or myself, is nearest the "dismunionist," or the "traitor." He stands with the position indelibly stamped upon him, of the enemy of his country, contemplating the destruction of the Government, by hazarding its existence upon a mark to which he challenges his adversaries with the acknowledgement, on his part, of their constitutional right to come to it, and to which by his conduct, he welcomes and invites them.

The Senator closed his remarks by referring to the letter which, with his colleague, Col. Davis, and our Representatives in Congress, he addressed to Gov. Quitman, declaring *the admission of California as a State under all the circumstances of her application, as the Wilmot Proviso in another form.* He says it was a mere *private letter*, deemed of so little importance that he even signed Col. McWillie's name to it—that Gov. Brown was surprised, and regretted as much as anybody that it was made by the Governor, an official communication to the Legislature, and that *poor* Quitman, wishing to raise an excitement, or produce a new issue, thought proper to make it an official document, as the basis of a special message to the Legislature.

Now, fellow-citizens, this is a truly new phase to this matter. Such an allusion as that made by the Senator to Gov. Quitman, passes away into contempt, with the breath which utters it, I shall not notice that. But to the letter, I hold it in my hand and it refutes upon its face every statement of the Senator. *A private letter!* It is addressed to "*His Excellency John A. Quitman, Governor, &c., &c. Not to be communicated to the Legislature!*" It calls directly for an "expression of opinion by the Legislature, the Governor, and if practicable by the people." *To make a new issue.* It declares "the proposition to admit California as a state under all circumstances of her application as an attempt to adopt the "Wilmot Proviso" in another form. But I read you the whole letter.

WASHINGTON, January 21, 1850.

*His Excellency, JOHN A. QUITMAN, Governor, etc.:*

Sir—We, the Senators and Representatives in Congress from Mississippi, feel it incumbent upon us to advise you, and through you our common constituents, that we have a well defined opinion that California will be admitted as a State of this Union during the present session of Congress. The President earnestly recommended it, and we cannot be mistaken in supposing that a majority of both houses of Congress will be found to vote for it—our individual positions have undergone no change. We regard the proposition to admit California as a State under all the circumstances of her application, as an attempt to adopt the "Wilmot proviso" in another form. But separated as we are from our constituents, and having no convenient means of consulting them as to their views on the new phase of this perplexing question, we desire through you to submit the single fact to the people and the legislature, that California will most likely obtain admission into the Union with her constitutional prohibition of slavery; and we beg leave to add, that we shall be greatly pleased to have such expression of opinion by the Legislature, the Governor, and if practicable by the people, as shall clearly indicate the course which Mississippi will deem it her duty to pursue in this new emergency.

Very respectfully,

Your obedient servants,

[Signed.]

JEFF. DAVIS,  
H. S. FOOTE,  
J. THOMPSON,  
W. S. FEATHERSTON,  
WM. McWILLIE,  
A. G. BROWN.

The Senator says further in reference to this letter, the Legislature acted upon it, and he has not much to say about that. They were not well informed; he supposes the gentlemen had not read the *papers*. Well, fellow-citizens, I think, before I get through, I will show the Senator that as one member of the Legislature I had read the papers and understood them too, and I doubt not that all the other members understood well what they were doing. This letter was communicated promptly by Governor Quitman in a special message to the Legislature, then in session, as was his duty and no doubt his inclination to do, that he might immediately communicate to the Senator according to his express desire, and to the entire delegation from Mississippi, and “clearly indicate (to them) the course which Mississippi would deem it her duty to pursue in this new emergency.” A mass meeting of the people was convened at Jackson—a very large meeting, intelligent and patriotic citizens being there from all parts of the State, at which, after mature deliberation, the following resolutions were adopted by a very large majority:

*Resolved*, That the policy heretofore pursued by the government of the United States in regard to said territory (of California,) in refusing to provide territorial government, therefor, has been, and is, eminently calculated to promote, and is about to effect indirectly, the cherished object of the abolitionists, which cannot be accomplished by direct legislation, without a plain and palpable violation of the constitution of the United States.

*Resolved*, That the admission of California into the Union as a sovereign State, with its present constitution, the result of the aforesaid false and unjust policy on the part of the government of the United States, would be an act of fraud and oppression on the rights of the people of the slaveholding States, and it is the sense of this Legislature that our Senators and Representatives should, to the extent of their ability, resist it by all honorable and constitutional means.

The Legislature responding to the action of this meeting of the people, and to the action of the October Convention, that the “Wilmot Proviso, which would in effect exclude the South from the territories, was an unjust and insulting discrimination, to which the State of Mississippi could not and would not submit,” the letter of the Senator declaring the admission of California the “*Wilmot proviso in another form*,” after mature deliberation, adopted these resolutions as “instructions, etc.,” to our Senators and Representatives in Congress, as “clearly indicating the course which Mississippi,” speaking through her legislative authority, to which the Senators are directly responsible, deemed it their duty to pursue.

The Senator afterwards, under the “*mesmeric*” influences of Mr. Clay, changed his course, and seduced by the “garish light which surrounds the great,” and the influence of a “national reputation,” abandoned his principles, his position, his colleague, Colonel Davis, the entire delegation in the House, and violated the instructions of the Legislature, and misrepresented the interest and will of the people of Mississippi. California being subsequently admitted under the precise circumstances of her application, at the time the Senator’s letter was written, declaring it “the Wilmot proviso in another form”—the South being virtually excluded from all territories acquired from Mexico, by the unjust legislation of Congress, and other outrages committed against her, in the dismemberment of Texas, and the assertion of the power and right of Congress to liberate and free slaves in the slave trade abolition bill under the scheme, not of “adjustment,” but of surrender which the Senator advocated. Governor Quitman in accordance with the previous action of the State, and the directions of the Legislature, at its regular session, convened the Legislature in extraordinary session, and the Legislature, speaking the voice and will of the people of

Mississippi, in reference to the course of the Senator in disobeying her instructions, based upon his letter, and misrepresenting her interest and her will, adopted the following resolutions :

*Resolved*, By the Legislature of the State of Mississippi, that the course of the Hon. Jefferson Davis, as Senator, the Hons. A. G. Brown, Wm. McWillie, W. S. Featherston, and Jacob Thompson, as Representatives in Congress from this State, on the question of the admission of California, is approved, as representing the interest and will of the people of Mississippi; that the course of the Hon. Henry S. Foote, on this question, is not approved, being, in the judgment of the Legislature, opposed to the interest and will of the people of Mississippi.

*Be it further Resolved*, That the course of the Hon. Jefferson Davis, as Senator, and Hons. A. G. Brown, Wm. McWillie, W. S. Featherston, and Jacob Thompson, as Representatives in Congress from this State, in their firm and consistent support and able advocacy of the rights and honor of Mississippi and the South, in all the questions before Congress at its last session, involved in the slavery controversy is approved; that the course of the Hon. Henry S. Foote, on all these questions, is not approved; and this Legislature does not consider the interest of the State of Mississippi, committed to his charge, safe in his keeping.

Approved, November 30, 1850,

These are the resolutions of which the Senator complains, and which he says the Legislature did not understand. I think, fellow-citizens, they look very plain now, and very easy to be comprehended. They were accompanied by a preamble reciting the Senator's letter, and were perfectly intelligent to the Legislature which adopted them, with a full knowledge of the vast variety of the Senator's changes and shiftings on all the other questions, besides the admission of California, upon which he misrepresented the interest and will of the people of Mississippi.

There are two things connected with this letter, to which I wish particularly to call your attention. The first is, that the letter declares the admission of California "under all the circumstances of her application," the "Wilmot proviso in another form." What were these circumstances? The Senator wishes now to excuse himself, and says, that they were the circumstances connected with the settlement of all the questions involved in the slavery controversy besides California. But the letter itself overthrows the Senator in this position. It states itself, the governing circumstances in the mind of the Senator and those who joined with him in it. It is, in the words of the letter, "that California will most likely obtain admission into the Union, with her constitutional prohibition of slavery." Not that the people of California, when properly authorized, would not have had the right to determine this question for themselves, but that acting without authority from the United States, and without the constitutional power or right to do, what they did do, her organization was such that she could not be admitted as a State with the "prohibition of slavery" in her constitution, without the adoption by Congress, by the act of her admission, of the "Wilmot proviso in another form." The circumstances of her application were, that the people of California organized a State government without authority from the United States—that they acted outside of the Constitution, and outside of the constitutional authority and dominion of the United States, of whose Government they were a part, and to which they owed their allegiance—that they acted contrary to all the former precedents, and custom of the Government in reference to the territories, since the foundation of the Government itself—that they acted under the authority and the direction of a Military offi-

cer of the Government, assuming and exercising the powers of a civil Governor, with the sanction and under the instructions of the President of the United States, which officer he was not authorized to empower or create—that they appropriated to themselves, and embraced within the limits of their pretended State, with a population but little exceeding one hundred thousand of all classes, and not one-half of these American citizens, territory sufficient for five States as large as Mississippi, including the entire Pacific coast, and assumed, in their so formed constitution, to exclude from their limits, the citizens with their property, of one-half of the States of the Union, who equally with the other States, were the rightful owners of the Territory, and who had furnished the principal portion of the blood and treasure with which it was acquired. These were the “circumstances of her application,” which were the same, at the time the letter of the Senator was written declaring her admission to be the “Wilmot proviso in another form”—the “circumstances,” unchanged, which accompanied her in her journey in the omnibus, of which the Senator was an outside driver; and the “circumstances” unchanged, when the omnibus upset, under which she was admitted as a State, as a separate, single measure, not with the vote but with the approval of the Senator, who had then swallowed the irregularity of the proviso, and now rejoices over it, as a matter of triumph for the South.

The second matter connected with this letter is, that up to the time it was written by the Senator and the delegation who joined him in it, and up to the time it was received by the Executive and communicated to the Legislature, the State of Mississippi, not believing that so great a fraud would be attempted to be perpetrated upon the southern people, as the admission of California as a State, under such unauthorized and unconstitutional organization, had taken no distinct position on the California question, under this phase of the exclusion of the South from her territory. Upon this letter of the Senator, the State did take distinct position upon this question; and he is responsible in the first instance, as far as his influence could go, for that position. If it could have been supposed, at the time that letter was received by the Executive and communicated to the Legislature—if there could have been any misgivings that there was any name that might have been unwillingly signed to it, the natural suggestion would have been, from the peculiar relations in which he stood to the President, and the letter declaring that “the President earnestly recommended it,” [the admission of California,] that it was the name of Col. Davis. No one could have supposed it to be name of the redoubtable Senator who was for hanging Hale, and who denounced Mr. Clay, on the introduction of his Compromise Resolutions, as worse than Hale, Seward and Chase—worse than the vile abolitionists, Garrison, Phillips and Douglass. But what are the facts? The Senator, under the “mesmeric influences” of Mr. Clay, was the first and only one of Mississippi’s trusted, and as she supposed, faithful sons, to abandon his position. While the gallant Davis, from the first to the last of the contest, stood up in the Senate of the United States, that the Chamber of the great, the noble champion of your honor and your rights, and bore himself there the tall defender of Constitutional liberty, as he did the Hero of the tall Plumo at the head of the First Rifles, on the plains of Buena Vista.

The Senator then before you, fellow-citizens, is responsible, as far as the influence of his name could give weight to his letter, for the position of Mississippi on the question of the admission of California. If that position is wrong, the Senator is, among the first, responsible for that wrong. His subsequent course has lost him the confidence of the friends of Southern Rights, and I ask now of my Whig friends, my excellent Union friends, as they term themselves, of all parties, to know, when I have gone through with the history

of his changes—when I have taken him from the *green* to the *sere* leaf—and shown them the manner in which he has departed from his original positions and come to the conclusions in which they now unite with him, whether he has made to them sufficient atonement, that they should make him their champion and their leader.

#### GENERAL INCONSISTENCY.

I come now, fellow-citizens, to show you more particularly the utter inconsistency of the Senator—his total abandonment of his original position, and his entire giving over of your interests into the hands of your enemies. I have already shown you his course on the abolition slave trade bill, asserting the power of Congress to *liberate* and *free* slaves in the District of Columbia. It is not necessary further to notice that. I have already shown you that, though professing to be republican and a democrat, he violated the instructions of the Legislature which he asked for himself, and it is not necessary on this point to say more, than that in a violent philippic against Senator Benton, he denounced him for doing the same thing, for violating the instructions of the Missouri Legislature, on a question involving the interests of slavery, and said to him, on the floor of the Senate, in the spirit of menace and reproach—“It is he who presumes to disobey the instructions of the Missouri Legislature, to whom he owes the senatorial robes which now invests his person, and all the opportunities for acquiring renown and influence which he has enjoyed for the last thirty years.” Again, in this same speech, he says, in response to a proposition of Senator Benton’s to dismember Texas, as was afterwards done by the “scheme of adjustment,” which he supported: “Were I to bring forward at such a period as this, a project so fraught with mischief as is this one to the whole slaveholding section of the Confederacy I should expect to be speedily instructed *out* of my seat in this body; for true it is, as John Randolph used to say, those members of Congress who cannot be instructed *in* their seats, must perforce be instructed *out* of them.” With what ill-befitting grace, then, does it become the Senator to speak lightly of the action of his own State Legislature, on any question involving the interests of slavery, and especially of instructions to himself, which he has so signally violated. But I come to his changes and his vibrations on the other questions embraced in his “scheme of adjustment.”

On the 8th of January, 1850, a speech, in reply to Mr. Clay, on the suspension of diplomatic relations with Austria, published in the National Intelligencer, January 12th, 1850, the Senator made this solemn and deliberate statement: “The slavery question upon which he [Mr. Hale,] is perpetually ranting in this chamber, I shall never more discuss, here or elsewhere, being prepared, as is the State which I in part represent here, for appropriate action upon it, when action shall become necessary.” He was very determined at that time to stand by his State, and *arms* seemed to occupy his thoughts instead of *words*. But notwithstanding this solemn declaration, he has since spoken more on this question, in the *Senate* and *elsewhere*, than perhaps any other man in the Union. To give you some idea of his general spirit of the “*Cacæthes loquendi*,” I read you a short notice of the Senator, on the last day of the sessions of Congress, when there was but little time for any one to speak, taken from the New Orleans Courier, of March 21st ult. It is as follows:

“*Remarkable Feats of Footmanship.*—According to the correspondent of the New York Herald, Gen. Foote spoke no less than forty-three times on the last day of the session, including speeches, questions and explanations; and sprung up, from time to time, from no less than seventeen different chairs, now on this, now on that side, always on the move, and for ever claiming the floor, or asking leave for a single remark. If all that he

said in debate during that day of thirty-six hours is printed in the the two official organs, it will amount in each paper to an average of twelve columns, or twenty-four in the aggregate :

|                           |        |   |   |   |       |    |
|---------------------------|--------|---|---|---|-------|----|
| Twenty-four columns, at   | \$7,50 | - | - | - | \$180 | 00 |
| Pay for thirty-six hours, |        | - | - | - | 12    | 00 |
| Total,                    |        | - | - | - | \$192 | 00 |

Cost of Senator Foote to the Treasury for one day's debate, one hundred and ninety-two dollars."

This only a specimen on other subjects of the voluminous and *eternal* speeches of the Senator, on the slavery question, and the measures of his favorite "scheme of adjustment" by which the rights of the South were surrendered.

In a speech made by the Senator, Jan. 8, 1850, which I hold in my hand, on introducing bills to provide territorial governments for California, Deseret and New Mexico, and to provide for a new State out of part of Texas to be called Jaciuto, after speaking of a bill which he had drafted, containing a proposition for dividing Texas on certain conditions, he says :

This I had resolved to offer as a *new scheme of compromise* ; which, with the establishment of a territorial government in New Mexico, in Deseret and California and the ultimate admission of California as a State, when freed from her present unfortunate organization, I hoped might tend to settle the vexed question of the Wilmot proviso forever. I should certainly have offered the whole bill as it was first drawn up, and in the form in which I had submitted it to the consideration of various sage friends with whom I am in the habit of counselling upon this subject, but for certain proceedings in several of the free States of the North, of which we have been recently notified, which satisfied me that I could not offer anything that at all bore the characteristic features of a *compromise* without encouraging our arrogant foes to fiercer and more extended aggressions and bringing down other and more irritating insults upon the Southern States of the Confederacy.

The resolutions of Vermont, now upon your table—the incendiary messages of the Governors of Pennsylvania and of Massachusetts—the menacing resolutions now before the New York Legislature—the extraordinary harangues made in this hall since we assembled—these and other facts of a kindred character, satisfied me that the season for compromise had for ever passed by ; or that at least, if propositions of compromise are hereafter to be offered, they ought to emanate from the North. I became satisfied that the time had arrived when it behooved Southern Senators and Representatives in Congress to stand firmly and resolutely up in strict maintenance of our Constitutional rights, as they were secured by our venerated forefathers ; leaving it to the champions of aggression and the perpetrators of injustice to determine whether they would indeed take upon themselves and their constituents the responsibility of dissolving that Union, which was once so justly dear to the heart of every American."

Here, it would seem, the Senator had planted himself upon the strict constitutional rights of the South, and that there he was fixed, *immovable*, until the North should present a compromise. the time having forever passed by when, in his judgement, it could emanate from the South. But, strange to say, in a short time afterwards, a cloud came over his mind's eye, a "change came o'er the spirit of his dream," and he was moving himself busily with a *Scheme of Compromise*—he was moving a resolution for a Commit-

tee of Thirteen, through which, under the influence of *leading* Senators, and *big* Pacificators and *little* Pacificators, the interest of the country might be betrayed and the rights of the South surrendered.

To show you, fellow-citizens, how totally the Senator must have changed every principle and position with which he first set out, in coming to his last conclusion, I now read you certain extracts from his speeches and writings, which must *shock* and *convince* every mind. It is well known to you that Mr. Clay though always opposed to slavery and declaring in a letter to the Cleveland abolition Convention, that no one was more opposed than he was to the extension of slavery into the territories acquired from Mexico, either by individual enterprise or by legislative enactment, and in the Senate of the United States, *that no earthly power could induce him to do an act to extend slavery into territory where it did not exist*, was the great leader in the pretended scheme of compromise (though there was also a little leader,) and that it was to his influences more than any other, that the South is indebted for the surrender of her rights. He says himself, in his speech before the Kentucky Legislature, 15th Nov. last—"The perhaps presumptuous hope that I might, under the blessing of Providence, be an humble instrument in assisting to allay it, [the slavery excitement] constituted a principle motive with me for returning to public life. Long before the meeting of Congress, and during the earlier part of the season, it engaged almost exclusively all my most anxious thoughts. The result of my reflections was, that series of resolutions which I presented to the Senate of the United States in February last. I now read you from a speech of the Senator, in the National Intelligencer of Feb. 22d, delivered in the Senate Feb. 20th, '50, on Mr. Clay's Resolutions of Compromise, a few days after they were introduced, and which Mr. Clay says, "long before the meeting of Congress, and during the earlier part of the session, engaged almost exclusively all his most anxious thoughts." The extracts from the Senator's speech is as follows:

"Mr. President, I am justified by the course pursued by the honorable Senator from Kentucky on this occasion in going somewhat particularly into his past history in connexion with the subject of slavery. In the early days of young and blooming manhood, the honorable Senator from Kentucky was betrayed, as I think, into some gross but rather fantastical errors in relation to slavery, from which he has never been able to relieve his mind since. These errors seem to have been theoretical merely; they were not of a nature, at any rate, so potential as to induce the honorable Senator to emancipate his own slaves, or to persuade his neighbors and friends to the execution of any such fanciful scheme of philanthropy. In subsequent life he became known as a member, as President of the Colonization Society, and as such has delivered more than one address, in which he has borne eloquent testimony to the evils of slavery. On several occasions in Congress the honorable Senator has been known in former years to exhibit himself more or less as a decided disapprover of the system of domestic slavery in the South. Last summer he took another step, and recommended to the people of Kentucky, in a deeply interesting letter, the adoption of a system of prospective emancipation.—The publication of this letter brought on a contest in that State, which was waged heatedly and actively for several months, and not without some bloodshed; but which happily terminated in the utter defeat of this plan of emancipation. A short time since, the Free-Soilers of Ohio, and I believe of several other States, held a Convention at Cleveland, at which they adopted resolutions more objectionable to the South than any which had antecedently appeared. A committee of this Convention wrote a letter to the honorable Senator from Kentucky, to which

he replied, approving fully the objects of their assemblage, and giving his assent to their general doctrines. Such was the predicament of the honorable Senator when he came among us at this session: and what has been his course here? Why, sir, I feel bound to admit that the honorable Senator has been quite consistent. His first important movement was the introduction of his resolutions of compromise. And what are these resolutions? Why, one of them is formally declarative of the heated Wilmot proviso principles; another brings in California; another, by inevitable implication, asserts the power of Congress to abolish slavery in the District of Columbia; another proposes to abolish the slave trade in the District of Columbia. And all this is to be conceded by the South without any compensating advantages whatever. I am certainly not a great deal surprised that such terms of adjustment should have been brought forward by the honorable Senator from Kentucky, taking into consideration the events of his public life already referred to; but I shall certainly always remain unable to perceive in his resolutions any of the features of a genuine compromise.

And what sort of a speech was that by which these resolutions were accompanied? Why, sir, I undertake to say that there is more in the sentiments and language of that speech to mortify Southern sensibilities, to awaken dissatisfaction, and to provoke resentment, too, as well among all who are not quite convinced as I am of the purity of the honorable Senator's motives, than we find in any speech of professed abolitionists, not excepting even the far-famed Garrison, and Phillips, and Douglass. Certainly no speech at all approximating to the one of the honorable Senator from Kentucky has ever been delivered before in either House of Congress. I will not particularize; but I am sure that all who have read that speech will admit that I have done it but simple justice.—Why, sir, a speech so replete with offensive doctrine—so dogmatical and overbearing in its tone—so menacing in its spirit, no man but one possessing the moral prowess which so eminently distinguishes the honorable Senator from Kentucky, could ever have been able to enunciate. I am sure that the honorable Senator from New York (Mr. SEWARD) will never dare to deliver such a speech here. The honorable Senator from New Hampshire, (Mr. HALE,) with all that rhetorical heroism which he displayed among us the other day would recoil from the utterance of much that fell with an easy grace from the lips of the honorable Senator from Kentucky; and the honorable gentleman from Ohio, (Mr. CHASE,) I am confident is too moderate and forbearing in his temper ever to deliver such a philippic as this against the whole system of domestic slavery, and against the efforts of the Southern States of the Confederacy to protect themselves against menaced aggressions. Sir, I feel that no other member of the Senate besides the Senator from Kentucky could have pronounced such a speech in the hearing of Southern men without calling forth a response full of indignation and asperity. And yet we have listened to the honorable Senator's harangue with coolness, with forbearance, with respect, and even with feelings of kindly allowance. Of all this the honorable Senator from Kentucky seems to be insensible; and he even complains that he has not been treated with fitting politeness by several Southern Senators, myself included. Let me beg the honorable Senator to consider calmly all the facts which I have stated; to bear in mind the harassment to which we have been subjected, the indignities inflicted upon us, the injuries so fiercely threatened, the horrors which are now clearly discerned in the future, and then let him tell me if he is not amazed at the meekness and moderation which has heretofore marked the demeanor of Southern Senators towards himself? Let him, I



pray, not complain of harshness or incivility, but be ready to acknowledge the most wonderful instance of self-restraint, amidst enormous wrongs and persecutions, that the parliamentary history of the public has yet offered. I hope that he will in future spare us all necessity for future complaint or censure."

This, fellow-citizens, I should call rather *bitter*, but it seems that Mr. Clay, by magic or "mesmerism," soon afterwards "came it over" the Senator, and *did* afterwards spare him "all necessity for future complaint or censure." I read you now a letter of the Senator's, writing by him at Louisville, Ky., on his way home, immediately after the adjournment of the session of Congress, at which Mr. Clay's 'scheme of compromise' was passed, in reply to a committee inviting him to attend a great barbecue and Union Festival in compliment to Mr. Clay, at the Fair Grounds, near Lexington. The following is the letter, and you will witness its contrast with the extract from the Senator's speech:

LOUISVILLE, October 9, 1850.

*Gentlemen:* It is, I assure you, with deep and peculiar regret that I feel constrained to decline the honor of being present at the Clay Barbecue on the 17th instant, to which you have so courteously invited me. I have been for two years past absent from the State of Mississippi, and I regret to say that certain public movements are now in progress within her courts, for the speedy counteraction of which I consider myself bound to do all in my power, and under circumstances which seem to admit not of a moment's delay. It has been my wish for several years to visit the interior of your noble State, and to become better acquainted with her institutions, her people, and her eminent men; and I confess that there is something particularly attractive in the festive scene to which I have been so graciously summoned. I have witnessed with unmingled delight and admiration those patriotic exertions to which you are about to do special and deserved honor. I have listened with pleased ears and with overflowing heart to every word of those majestic harangues of which you have perchance only seen a cold and meagre report in the public prints. I have beheld Mr. Clay's untiring efforts by night and by day in public debate, and in private conference, to save our institutions from menaced ruin, and our people from the horrors of intestine war. I have seen him rise, with a magnanimity unsurpassed in the annals of statesmanship, above all the influences of *party*, and *section*, and *personal prejudice*. In fine, I have beheld him, and nearly, whilst as the acknowledged *leader* of a band of patriots whose meritorious efforts no language or commendation can adequately portray—for weeks and months of earnest exertion and patriotic industry, and fearless energy, he struggled to secure the adoption of that scheme of adjustment and compromise, over the consummation of which twenty millions of freemen are now rejoicing, and to which the civilised world is rendering already deserved homage and respect. Indeed, gentlemen, I would rejoice to be with you on the 17th instant; but as cruel necessity forbids me this pleasure, allow me to ask of you to tender to those who will be there assembled, the following sentiment in my name:

HENRY CLAY—The venerable Chairman of the Committee of Thirteen—the magnanimous statesman, who, when his country is in danger, "*knows no North, no South, no East, no West*, who shrinks from no difficulties—recoils from no dangers—and dares to do his duty, regardless alike of censure and of applause—in defiance of faction and of factionists. May his noble example be both admired and emulated.

I have the honor to be, gentlemen, your friend and fellow-citizen,

HENRY S. FOOTE."

Well, fellow-citizens, this is rather *sweet*. It is certainly very flat, after the above extract from his speech.

Mr. FOOTE. Will the gentleman allow me? That letter refers to Mr. Clay's course on the measures of compromise reported by the Committee of Thirteen, and not to his resolutions of Compromise.

Mr. McRAE. Ah! the Senator don't like the variations. Then I will change the tune, and give him the music on another string—perhaps the *bass*. I read you now from the National Intelligencer of April 12, 1850, an extract from the Senator's remarks in the Senate on the day previous, the discussion being on his resolution to raise the committee on the "scheme of adjustment." It is as follows:

"Mr. FOOTE. I do not rise to detain the Senate by any lengthened discussion; but as the Senator from New Hampshire has several times presented the same view of the matter without any reply from me, I trust the Senate will bear with me patiently while I make a short remark only in response to him. He complains that I have made my resolution too comprehensive. I did so, because the distinguished Senator from Kentucky, (Mr. Clay) in the beginning of the session, as I thought very appropriately, proposed in a spirit of compromise, and with a view to the adjustment of all the questions which have caused the springing up of discord and unfraternal feeling between the two sections of this Union, that *all* the questions arising out of the institution of slavery, should be settled or adjusted by us at the present time. He submitted resolutions declaring it to be expedient that we should make proper efforts to adjust all the questions growing out of the institution of slavery, and accompanied the resolutions with a speech, the greater part of which I certainly approved of at the time, and for which I was duly grateful to him."

Well, fellow-citizens, this is a "*winder up!*"—this caps the climax even of the fanaticism of change.

Mr. FOOTE. Will the gentleman allow me? I must say that this report of my remarks is an incorrect one. I hope the gentleman will examine the corrected debates.

Mr. McRAE. I read from the National Intelligencer of April 12, 1850, the remarks of the Senator *verbatim*, in the Senate on the 11th of April, on his own resolution to raise the Committee of Thirteen for the "scheme of adjustment." I have no documents here except those opposed to my own side of the question. The Senator disputes the National Intelligencer, the highest authority on his side. I will say to him, that if in any statement which I may make, I am in error, if it is shown to me I will correct it. But when an authority is produced, if he disputes it, it is his duty to bring forward the corrected proof, otherwise it stands good against him. In the absence of his doing so, I leave it to you, fellow-citizens, to decide the dispute between the Senator and his favorite authority, the National Intelligencer.

To show you how little reliance is to be placed in the statements of the Senator, in excusing himself for his wonderful inconsistencies, and the facility with which he explains away what he has said and done so contradictory at different times, I read you two extracts from speeches of the Senator, as a fair specimen generally.

Mr. FOOTE. Will the gentleman allow me? Do you mean by that to question my veracity?

Mr. McRAE. Not at all. I do not intend in anything I have said, nor in anything I may say, to question the veracity or the motives of the Senator. What I mean to say is what his colleague, Colonel Davis said to him in the Senate, when he said that nine-tenths of the people of Mississippi, would sustain every thing that he had done, and every word

that he had spoken in favor of the compromise, that his statements show "how far the warm impulses of the gentleman, when pursuing any measure to which he attaches himself, will lead him from the calmer feelings of his more mature judgment."

The following is an extract from the Senator's speech, which I have before quoted from, of the 20th February, on Mr. Clay's Resolutions of Compromise.

"Mr. FOOTE. Mr. President, I feel constrained now, by the course of the honorable Senator from Kentucky, to speak more plainly and strongly in regard to his present attitude upon the questions which occupy so painfully the attention of the country, than I had thought either necessary or expedient a few days since. Sir, had the honorable Senator confined himself to the propounding of terms of settlement, however unfair and oppressive to the South, or had he been contented to advocate the resolutions of compromise which he has introduced here with all his well-known eloquence, I should not have been disposed to complain of him in the least.—Though I certainly concur with my esteemed friend from Alabama, Mr. Clemens, who has spoken to-day with a strength and brilliancy seldom if ever surpassed in this body, in all that he has said touching the true character and effect of the resolutions of the Senator from Kentucky; though I certainly agree with the Senator from Alabama that these resolutions yield up the whole ground of controversy to our insatiate adversaries."

This speech of Mr. Clemens, which the Senator endorsed so fully, "in *all* that he said touching the true character and effect of the resolutions of the Senator from Kentucky," was one of the most brilliant and pointed which was made in the Senate against Mr. Clay, and his resolutions, especially against the admission of California.

Among other things it says:

"After all the reflection which he, Mr. Clay, has been able to bestow upon the subject, aided by the resources of his long experience, and his great familiarity with difficult questions in trying times, he has been able to suggest no remedy which does not recognise the right of aggression on the one side, and demand unconditional submission on the other. He has submitted for our consideration a series of resolutions dignified with the name of a compromise, but which, like most other compromises between the weak and the strong, is little better than a cloak to hide from the public gaze a hideous wrong. It is not my purpose now to enter into any general examination of those resolutions. I shall refer to one of them, and one only. Of that one I desire to speak uninfluenced by prejudice against, or partiality for the author. I have been all my life carrying on a warfare against his political measures, and I do not think it would be altogether in good taste for me to indulge in extravagant eulogies of a man whose public measures I never did approve, and whose latest acts has been a deadly blow at the rights and interests of my constituents. For his personal character I have that respect and admiration which genius and high talents, combined with great boldness, never fail to inspire; but long ago he made his choice between the North and the South."

*All this* the Senator endorsed.

Again it says:

"The admission of California will do nothing towards arresting the current of abolition aggressions. It will be regarded every where as an anti-slavery triumph; as one more outwork carried, from the shelter of which the assailing party may the more effectually annoy and harass the assailed. Yet the Senator from Kentucky says that we yield nothing by assenting to it. I quote the Senator's own language:

"Well, now, is there any concession in this resolution by either party to the other?"

I know that gentlemen who come from slave-holding states says the North gets all that it desires ; but by whom does it ? Does it get it by any action of Congress ? If slavery be interdicted within the limits of California, has it been done by Congress—by this Government ? No sir. That interdiction is imposed by California herself."

I answer that *every thing* is conceded by the admission of California. The whole matter in controversy terminates at once. The North gets all that she has ever asked. Gets it by the action of the great legal principle that the wrongdoer shall not profit by his own wrong.

Who among us does not know that *agitation* in the State Legislatures and in the National Congress has prevented the southern emigration to California, and placed the country in the power of those who have imposed this restriction ?—Who is there so blind as not to see that this has been the result of aggressions commenced here ? And who does not feel that Congress is responsible for the fact that slavery has been excluded ? Property is proverbially timid. The slaveholder would not carry his property there with a threat hanging over him that it was to be taken away by operation of law the moment he landed. Agitation then in Congress—repeated declarations made every where—in state Legislatures—in Conventions—in the public press—from the pulpit even—that the slave should be excluded by law, has deprived us of our constitutional rights as certainly and effectually as any positive enactment could have done, and we are not only asked to submit to it, but to accept it as a boon, and be very thankful for an outrage. Sir, I prefer the Wilmot Proviso direct. I prefer it, because it is bolder, plainer, and more manly.—The robber who meets me on the highway and demands a surrender of my property, leaves me at least the option of a contest ; and is entitled to far more respect than the assassin who lurks behind a corner, and stabs in the dark. So, sir, he who undertakes to deprive me of my legal rights by open means, is always entitled to higher respect than he who seeks to accomplish the same end by deception and trickery. I hold that whatever opposition is due to the Wilmot proviso—whatever resistance it demands, is doubly due to this scheme of smuggling a sovereign state into the Union."

*All this* the Senator endorsed, declaring "that whatever opposition was due to the Wilmot Proviso—whatever resistance it demanded, was double due to this scheme of smuggling a sovereign State into the Union," under Mr. Clay's resolutions of compromise. A short time afterwards, when the Senator most unaccountably changed his entire course, and became the flattering admirer of Mr. Clay, as the Chairman of the Committee of the pretended Compromise measures ; Mr. Clemens witnessing with wonder and surprise the extraordinary phenomenon in the conduct of the Senator reviewed his course severely, in the Senate, and inflicted upon him a most withering rebuke. In an effort to excuse himself under this castigation, to show you how *awkwardly* the Senator sometimes retreats from his positions, and how *weakly* he succeeds in his explanations, I read you an extract from his speech in the Senate, May 20th, 1850, in reply to this infliction upon him by Mr. Clemens, referring to the same speech of Mr. Clemens, from which the above extracts are taken, and of which he endorsed *all* that it said "touching the true character and effect of the Resolutions of the Senator from Kentucky." It is as follows :

"The honorable Senator, by way of making out a case of rank inconsistency against me, averred that I had sanctioned his speech as read, and then declared that he had no doubt that I would now pronounce it altogether treasonable. In both these points, as it seems to me, the Senator is laboring under some delusion. In the first place I have cer-

tainly not the least recollection of approving the views contained in the honorable gentleman's speech at all, though it is certain that I felt gratified, as one of his early friends, that he made so brilliant an exhibition in our body. Nor do I now recollect that I ever read the speech, or any part of it, in my life. I certainly heard it, and was pleased with it, so far as I was able to catch its meaning. In the second place, I am by no means prepared to denounce that portion of the honorable gentleman's speech which has been read this morning as at all treasonable; and, indeed, I am rather inclined to think that, making allowance for its being a little unduly burdened with fantastic figures of speech, and swelling words of sound and fury, I should even now, if formally called upon to pronounce concerning the views contained in it, be inclined to express an opinion not altogether unfavorable. I am sure that I thought the speech at the time quite skilfully prepared for effect, and particularly calculated to produce an impression upon the audience to whom it was addressed; and if I uttered more or less of commendation upon it and its author, I doubt not that it was sufficiently deserved."

I do not read these extracts from the speeches of the Senator and Mr. Clemens, so much to show any identity or want of identity of opinion between them at different periods, as to show to you fellow-citizens, with what facility the Senator explains away his own position, to his own satisfaction, but how awkwardly to those whose interest and whose will he has misrepresented.

But the Senator says his letter, which I have read you, refers to Mr. Clay's course on the "measures of compromise," and the extract from his speech, to Mr. Clay's "resolutions of compromise." We will examine now what Mr. Clay himself says on the difference between the merits of his "measures" and his "resolutions" of compromise. It is presumed that Mr. Clay knew what he was about, and that he understood the meaning of the "measures," and the "resolutions" of compromise. At all events, it is admitted I believe, *even by the Union party*, that he has as much talent, and as correct judgment, as the Senator himself—that his opinions are entitled to as much respect, and that when these opinions are the result of great reflection, "of his almost exclusive and most anxious thoughts," the conclusions to which he comes are perhaps as unchangable as those of the Senator. The following is an extract from Mr. Clay's speech before the Kentucky Legislature, the 15th of November last.

"Mr. CLAY. The perhaps presumptuous hope that I might, under the blessing of Providence, be an humble instrument in assisting to allay it, [the slavery excitement] constituted a principal motive with me for returning to public life. Long before the meeting of Congress, and during the earlier part of the session, it engaged almost exclusively all my most anxious thoughts. The result of my reflections was that series of resolutions which I presented to the Senate of the United States in February last. My desire was to embrace all the subjects of agitation arising out of the institution of slavery, and to leave none open for future agitation, and if possible to settle them in a just and honorable manner, as to both the contending parties. How these resolutions were received, opposed, and discussed on their first presentation, it is not necessary to state. Subsequently a committee of thirteen was appointed by the Senate charged with the duty of considering all the subjects. The committee reported, and their various measures varied but inconsiderably from the resolutions which I previously offered."

Mr. Clay's own statement overthrows the Senator. He did not, and does not now consider that the "measures" and the "resolutions" of compromise varied materially. His statement is, that they "*varied but inconsiderably.*" He was the author of both, and

he knew that by *both or either*, the South gained no part of the territory. He had declared in the Senate, during the discussions on this subject, "that no human power could induce him to do an act, which would extend slavery into territory where it did not exist," and he was determined to maintain the position. The Senator first opposed, then united with him in the accomplishment of his object.

I now turn to what the Senator himself, has said, and make a comparison of the difference, if there be any perceptible, between these measures. I refer again to his speech of 20th Feb., on Mr. Clay's resolutions. In this speech, he says of the Senator from Kentucky as follows :

"His first important movement was the introduction of his resolutions of Compromise. And what are these resolutions? Why, one of them is formally declarative of the hated Wilmot Proviso principle; another brings in California; another, by inevitable implication, asserts the power of Congress to abolish slavery in the District of Columbia; another proposes to abolish the slave-trade in the District of Columbia.—And all this is to be conceded by the South without any compensating advantages whatever. I am certainly not a great deal surprised that such terms of adjustment should have been brought forward by the honorable Senator from Kentucky, taking into consideration the events of his public life already referred to; but I shall certainly always remain unable to perceive in his resolutions, any of the features of a genuine compromise."

This is the Senator's own description of the resolutions. "One of them is formally declarative of the hated Wilmot Proviso principle."—Well, fellow-citizens, the report of the committee by Mr. Clay, on the scheme of adjustment, upon which the compromise measures were based, *was* "formally declarative of the hated Wilmot Proviso principle." "Another brings in California."—The very object of the compromise measures, was to smuggle in California and they *did bring her in*, precisely as she presented herself. "Another, by inevitable implication, asserts the power of Congress to abolish slavery in the District of Columbia." The compromise measures, in the slave trade abolition bill, not only by "implication," but by direct and positive enactment, asserted the power of Congress to abolish slavery in the District of Columbia, by declaring the slave on certain conditions, *liberated and free*" "Another, proposes to abolish the slave-trade in the District of Columbia." The compromise measures, by the slave-trade abolition bill, did abolish the slave-trade in the District of Columbia, in the most odious form.

But the Senator says the resolutions "yielded every thing to our insatiate adversaries," *all* that they demanded, was to be conceded by the South, without any compensating advantages whatever." With the compromise measures it was the same. According to his own showing, the resolutions yielded every thing which the compromise gives, and he cannot now, gainsay his own positions as to what the resolutions did propose; and every one will perceive that the compromise, left the South no more, if so much. Both should have been abhorrent to every friend of the constitution and the rights of the South. I have already said that on the introduction of Mr. Clay's resolutions into the Senate, the Senator took eight distinct positions in reference to them, mostly adverse to them, published in the National Intelligencer, January 31st, 1850. His seventh position is as follows :

7th. "The resolutions which provide for the restoration of fugitives from labor or service, and for the establishment of territorial governments free from all restriction on the subject of slavery, have my hearty approval. The last resolution—which asserts that Congress has no power to prohibit the trade in slaves between State and State—I equally approve."

The compromise measures, or what the Senator calls a part of them, (I do not admit myself that a law, however stringent, to carry out a plain express provision of the constitution, was a subject of compromise, to obtain which the South was to barter away a part of her rights) "provide for the restoration of fugitives from labor or service"—they establish territorial Governments for Utah and New Mexico, free from restriction on the subject of slavery" by direct congressional enactment; and they did not go as far as the resolution in "asserting that Congress has no power to prohibit the trade in slaves between State and State," on this point they made no declaration at all. And I defy the Senator according to his own positions to show, that the compromise measures which he so warmly advocated, give to the South any "compensating advantages," which by his own statements the resolutions which he so violently denounced, did not give. The Senator in his fourth position, against the resolutions, which I shall refer to more particularly hereafter, says, I *think* one of the resolutions of the honorable Senator from Kentucky draws into question the title of Texas to all the territory embraced in her boundaries, as laid down in her law of 1836, which he considered, "full complete, and undeniable," and was unwilling to say anything to draw it in question "by resolution or otherwise." The compromise measure not only disputed the title but dismembered Texas, and I will show subsequently, that the Senator even abandoned this last position, and both spoke and vetoed to dispute the title of Texas, which he had so solemnly affirmed to be "full complete and undeniable." The propositions contained in the Senator's seventh position, which I have read, that provision should be made for the delivery of fugitive slaves, that territorial governments should be established free from all restriction on the subject of slavery, and that Congress has no power to prohibit the trade in slaves between the States, are matters of strict constitutional right. They are no concessions to the South—they are hers positively unequivocally, and unconditionally, without limit or restraint. They form no compensating advantages to the South for any surrender of her rights, and should never have been brought in question under any scheme of compromise; without these, the resolutions, and the measures of compromise, were unjust to the South, and gross aggressions upon her constitutional rights—with them, they were the same, as these were matters of positive constitutional right, which could not be subjected to disparagement on any conditions whatever. I have shown by the opinions of Mr. Clay, and the statements of the Senator himself, that the resolutions, and measures of compromise are one and the same thing, or in the language of Mr. Clay, that they "varied but inconsiderably," and I leave the Senator like the man in the labyrinth, to wind himself out of his inconsistency in supporting the "scheme of adjustment," with the declaration upon his lips "that he should certainly *always* remain unable to perceive in the resolutions any of the features of a genuine compromise."

### CALIFORNIA QUESTION.

I next come to consider the course of the Senator in reference to California. His first position on this question was to provide for California a territorial government. As this is what should have been done, and there is no objection to it, I suppose the Senator will not deny this, if he does I hold in my hand a pamphlet copy of his speech in the Senate, Jan. 8th, 1850, accompanied by a bill introduced by the Senator at the same time, to "provide for the organization of the territorial governments of California, Deseret, and New Mexico, and to enable the people of Jacinto, with the consent of the State of Texas, to form a constitution and State government, and for the admission of such State into the Union, upon an equal footing with the original States in all respects whatever." The Senator at this

time seemed determined to have another slave State in the South, as a "compensating advantage," even for the "territorial government" of California, etc. In this same speech however, while the bill looked one way, the Senator seems to have had an eye the other way, and looked to the admission of California as a State under certain circumstances. After speaking of a bill which he had drawn proposing to divide Texas on certain conditions, he says in reference to it: "This I had resolved to offer as a new *scheme of compromise*, which with the establishment of a territorial government in New Mexico, in Deseret and California, and the ultimate admission of California as a State, *when freed from her present unfortunate organization*. I hoped might tend to settle the vexed question of the Wilmot proviso forever." Here the Senator unfolds the "circumstances of the application" of California, which in his judgment would make her admission as a State "the Wilmot proviso in another form." They were "*her unfortunate organization*," from which she must be freed before she could be admitted. Now if a territorial government could have been given to California, Utah, and New Mexico, without any restriction as to slavery, and California had afterwards in a regularly authorized manner, when all the citizens of all the States had an opportunity of entering her, and being equally protected in their property, formed a constitution and applied for admission into the Union, it *certainly* would have *tended* to settle the vexed question of the Wilmot proviso. This is all the South desired, it was the Senator's original position, and *'tis pity* he did not *stick* to it.

His second position was an abandonment of his first. It is laid down by him in his eighth position against Mr. Clay's resolutions, and is as follows:

8. "If all other questions connected with the subject of slavery can be satisfactorily adjusted, I see no objection to admitting all of California above the line of 36° 30' into the Union, provided another new slave State can be laid off within the present limits of Texas, so as to keep up the *equiponderance* between the slave and the free States of the Union; and provided further all this is done by way of *compromise*, and in order to save the Union, (as dear to me as any man living.)"

Here he abandons the formation of a territorial government for California. He abandons the position that she must be "freed from her present unfortunate organization," which constituted with him at first, *the "circumstances"* which made her application "*the Wilmot Proviso in another form*." He became in favor of her admission as a State with the line of 36° 30' as her southern boundary, if all other questions connected with the subject of slavery could be satisfactorily adjusted; but this was only to be done "provided another new slave State *could* be laid off within the present limits of Texas, so as to keep up the *equiponderance* of the slave and free States of the Union; and provided further, that all this was done by way of *compromise*, and in order to save the Union," &c. Here was an almost entire giving up his first position.

His third position was again an abandonment of his second. This was his support of the Omnibus Bill. His willingness at all times, after the report of that bill by the Committee on the "scheme of adjustment," to admit California as a State, and his efforts for months to smuggle her into the Union through the Omnibus, that he might vote for her in that vehicle, "under all the circumstances of her application," which made her admission "the Wilmot Proviso in another form," and without any of the "compensating advantages," with which he first set out, and which he claimed in his first and second position. Without the satisfactory adjustment of *all* the other questions connected with the subject of slavery; because, even if the Omnibus had not been odious the fugitive slave bill reported with it provided the right of trial by jury for the slave in the State



from which he fled, and compelled his owner to bring him forward at the first term of the Court after his return, and give him a trial for his freedom under a penalty of a thousand dollars ; the slave-trade abolition bill, as it was reported and as it passed, asserted the power of Congress to abolish slavery in the District of Columbia, by declaring the slave on certain conditions to be *liberated* and *free*, and the Omnibus bill was to be passed before either of these measures were to be acted upon by the Senate. Without the admission or laying off another new slave State within the limits of Texas, "to keep up the *equiponderance* between the slave and the free State," but with the actual dismemberment of Texas, by cutting off from her territory enough for two States, to be placed under the control of a free-soil majority in the government. He supported the admission of California in the Omnibus under circumstances entirely at variance with his former positions, and under circumstances by her admission in that bill, forever to destroy the *equiponderance* of the slave with the free States in the Union, and to give to the free States a permanent sectional majority in the control of the government.

His fourth and last position, was an entire abandonment of all his others. It was his willingness to bring in California as a single, separate, isolated measure, barefaced and under "all the circumstances of her application." Though he did not vote for her on the final passage of the bill for her admission in the Senate, yet I will show you, in a short time, that afterwards, the bill passed the House of Representatives, he expressed his desire that she should come in, not in direct words for her admission, but in such a manner as to show the true feelings of his heart on this subject. The California bill passed the Senate the 13th of August ; on the 26th August an interesting debate took place in the Senate called the battle of the books ( published in the National Intelligencer, August 29th, 1850 ) on the subject of printing books, in which Senator Foote participated, and from which I extract the following remarks made by him :

"I voted with the Senator from Texas, I think, for the printing, lithographing, binding and so fourth, of a book with which is favorably connected the name of a gentleman distinguished for scientific attainments, for public spirit, and for patriotism, *and who I trust will shortly be, as I cannot doubt he will prove, a distinguished ornament of this body.* I refer now, of course, to Colonel Fremont."

How could Colonel Fremont become a member of the Senate without the admission of California ? This expression shows what was the real sentiment of the Senator's heart. It was for the admission of California even as a separate measure, as the bill had passed the Senate ; and this desire was expressed while the bill was before the House of Representatives, when not a single solitary measure of what is now termed the compromise, had been acted upon or had passed that body, and when the fate of all was unknown there. The Senator cannot excuse himself and say that he made this statement out of respect for the high attainments of Mr. Fremont, and that he desired to bring him into the Senate simply as an ornamental member, because he had no right to trifle with the great interests of the South involved in the admission of California, merely to compliment any individual by such expressions. If he desired to express his admiration of Mr. Fremont, looking also to the interests of the South, he should have said he wished him everything except a place in "that body" as a Senator from California, "under all the circumstances of her application." He cannot say that it was purely on account of his love for Colonel Fremont, because he quarrelled with him soon after his admission into the Senate ; and besides this he had made this very charge against Colonel Benton, and accused him of desiring the admission of California because Colonel Fremont was his son-in-law. I read you an extract

from one of his speeches on this subject, published in the National Intelligencer, March 28th, 1850. It is as follows:

"I am not surprised, sir, that the honorable Senator (Mr. Benton) has now become a most zealous and unswerving advocate of the claims of California to admission as a State; but I know also that some have supposed it to be at least possible that his halting and reluctant zeal has been stimulated at the present session by certain personal and domestic considerations, quite natural and amiable within themselves, but not entitled to operate here in contravention of the high public reasons which have been stated by various Senators at different times in our hearing."

I read you further on this point an extract from the Southron, [now the Flag of the Union] published at Jackson, in our own State, March 8th, 1850, commenting upon this charge of Senator Foote against Mr. Benton. If this was from a Southern Rights paper I would not read it, as I do not think it expressed in altogether respectful terms to the Senator, but I suppose it is authority which with himself and party will fix the truth of the fact I have stated. I read as follows;

"SENATOR FOOTE.--The extraordinary personal knowledge which our garrulous and gossiping Senator, Gen. Foote, possesses of the despicable and selfish motives which govern the actions of all who disagree with him, was manifested, in a peculiar manner in the debate of the Senate on the 14th February, on Mr. Clay's resolutions. After referring to some "whispering" which he had noticed, a day or two before, between Messrs. Benton and Clay, he said he knew that there was a plot on foot to bring California into the Union as a State, and that the "scheme" found favor with the Senator from Missouri, because his "son-in-law," Col. Fremont, was one of the Senators. This speculative libel on the motives of his senatorial associate elicited a discussion, of which we only have room for the following:"

I have now shown you fellow-citizens, that the Senator like a skilful manœverer, under what strange influences it is not for me to determine, retreated from every position which he took on the California question, from his first to his second, from his second to his third, from his third to his last, and that he *finally* became in favor of the admission of California as a single measure, "under all the circumstances of her application," which he at *first* declared "the Wilmot Proviso in another form."

But the Senator said in his speech that 35° 30' could have been obtained as the southern boundary of California, but for the refusal of southern Senators to support it, and speaks of it as a matter of great triumph which he could have accomplished; *he had private assurances of it* if southern Senators would have stood by him. Why fellow-citizens, he made this very statement in the senate, and said he was going to come home, and tell every body and I suppose "*the rest of mankind*," that *he* could have done all this; but the record of the proceedings in Congress, do not exactly sustain the Senator in his facts. I hold in my hand the National Intelligencer of July 23rd, 1850, which gives us some information on this subject. Mr. King, of Alabama, on the 19th July, offered an amendment to make 35° 30' the southern boundary of California, and supported it in a very able speech, and after full discussion it was defeated. I read you the record:

"Mr. King's amendment is as follows: The boundary of the State shall be as follows: Commencing on the Pacific at the 42d degree of North latitude; thence with the southern boundary line of the Territory of Oregon to the summit of the Sierrea Nevada, then along the crest of that mountain to a point where it intersects the parallel of latitude 35 deg. 30 min. thence with said parallel to the Pacific Ocean."

The debate was continued at much length by Mr. Berrien, Mr. Clay, Mr. Foote, Mr. Hale, Mr. Davis, of Mississippi, and Mr. King.

Mr. Davis, of Mississippi, moved to amend the amendment of Mr. King, by striking out the word "five" and inserting "six" so as to establish the line of the Missouri compromise as the southern boundary of California. His amendment was disagreed to by the following vote :

YEAS—Messrs. Atchison, Badger, Barnwell, Berrien, Butler, Clemens, Davis, of Mississippi, Dawson, Downs, Foote, Houston, Hunter, King, Mangum, Mason, Morton, Pratt, Rusk, Sebastin, Soule, Turney, Underwood, and Yulee—23.

NAYS—Messrs. Baldwin, Benton, Bradbury, Bright, Cass, Chase, Clay, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Douglas, Felch, Green, Hale, Hamlin, Jones, Miller, Norris, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Upham, Wales, Walker, and Whitcomb—32.

The question was then taken on the amendment of Mr. King, and resulted as follows :

YEAS—Messrs. Atchison, Barnwell, Berrien, Butler, Clemens, Davis, of Mississippi, Dawson, Downs, Foote, Houston, Hunter, King, Mason, Morton, Pratt, Rusk, Sebastin, Soule, Turney, and Yulee—20.

NAYS—Messrs. Badger, Baldwin, Benton, Bradbury, Bright, Cass, Chase, Clarke, Clay, Cooper, Corwin, Davis, of Massachusetts, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Douglas, Felch, Greene, Hale, Hamlin, Jones, Mangum, Miller, Norris, Pearce, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Underwood, Upham, Wales, Walker, and Whitcomb—37

It will be seen by these proceedings what becomes of the Senator's statement, that 35 <sup>o</sup> 30 could have been obtained as the Southern boundary of California, and the vote shows who is responsible for its defeat. The genuine Southern Senators voted for it, of whom there were generally *nineteen*, and the Senator this time accidentally fell in with them.

But he says he afterwards had *private assurances* that this line could be obtained. Well, on another occasion the Senator had *private assurances*, and he was very "confidently assured," that California could not be admitted as a State, "as a separate and distinct measure at all," which he afterwards, as I have shown, became in favor of himself; and he had *private assurances* at another time, and even predicted on a certain Saturday, that the Union was to totter into ruins. I will read you what he said in the Senate of the first of these *private assurances*, connected with which he said the Union was to be dissolved, and then Mr. Webster's opinion, of the reliance to be placed on both as taken from their respective speeches published in the National Intelligencer, April 6th, 1850. The Senator says:

"There are other views of the subject of still more striking character which I do not feel at liberty to withhold. Sir, you cannot, thank Heaven! you cannot pass a bill for the admission of California, as a separate and distinct measure, at all. I say you cannot do it; and I speak of what I feel most confidentially assured when I make this declaration. You may pass the bill here, sir, though I hope that this is even a little doubtful. You may pass it here, sir, but it will never become a law notwithstanding. It has to be approved in the other wing of this Capitol; it must be sanctioned by both Houses of Congress; and that I hold to be impossible."

Mr. Webster in reply, says:

Mr. WEBSTER. There is nothing personal the honorable Senator from Mississippi has said to which I take the slightest exception. I must only say that I am quite incredulous to all the predictions of disunion from any thing growing out of the present controversy—quite incredulous. My honorable friend from Mississippi will allow me to remind him that in the prophecies of later times there was a certain Saturday mentioned.—The day went over and no pillar of the constitution was shaken—no bond of the Union was severed. The sun rose in the morning, we all enjoyed a very agreeable day, and all went to bed at night conscious of the integrity of the Government still subsisting.

It seems that Mr. Webster had not much confidence in the Senator's *private assurances*, and would not rely upon his statement. Let us see then what reliance southern Senators placed upon his *private assurances*, and his statements that 35 30 could have been obtained as the southern boundary of California, when he declared in the Senate that he was going to tell the whole world so. Senator Soule, of Louisiana, says:

“ Upon a like proposition by the Senator who occupies the chair, (Mr. King) we of the South voted in the affirmative, and yet it was defeated; defeated by whom? I want to know sir, whether honorable Senators, acting upon principles, can justify themselves in the eyes of the country for voting against an amendment to-day for which they would have voted on yesterday. If there was any good reason to defeat that amendment when it was proposed by the Senator from Alabama, we were bound to presume that the same reasons would exist to defeat it when it should be proposed again. Let not the country therefore be deluded by assertions that has no meaning. We tried the question; we lost it; we were defeated—defeated by whom? The country will not be at a loss for an answer.”

But the Senator assumes that Mr. Soule is not worthy to be taken as authority against him. He wishes to cast reflections upon him as a native of another land, and says that he is a *very clever gentleman* who came over here a few years ago from France, and this is the authority which I produce against him. Mr. Soule, fellow-citizens, though a stranger by birth, is a citizen by adoption, and in principle a lover of republican liberty. He has been honored by the State of Louisiana as a representative of her sovereignty in the Senate of the United States, and on a question of fact connected with Senatorial proceedings, his statements are entitled to as high consideration as those of any Senator, even the Senator himself. I will say to him there was a time when another gentleman came over here from France, of whom it has been said by one of America's most eloquent and gifted orators—“ He came when darkness hung over the land—when the prospects of the revolution were most gloomy—when the heart of the patriot sunk within him—when the plowshare stood still in the field, and briars cumbered the garden of beauty.” This was Lafayette, the friend of Washington. America owes him a debt of gratitude she can never repay. His name shall go down to immortality a beacon light to the friends of freedom forever. The wave of time shall never roll over it. “Oblivion shall never shroud its splendor.” This was Lafayette, the friend of Washington; he came to assist him in the purchase of American freedom. Soule is the friend of our own gallant Jeff. Davis; he has come to assist him in the maintenance of that freedom which Washington and Lafayette won.

And what did our own Senator, Col. Jeff. Davis, always as true to the south as the needle is to the pole, say to him on this point? The following is an extract from his remarks:

“ But, sir, in relation to this curtailment of California. Who voted for it? Those southern men who are accused of defeating the “ compromise ” bill. They voted for it, as a restriction of the extended limits of California. And I think it was straining a point

to get them to vote for it ; for it was a studied evasion of the line of 36 deg. 30 m. lest that line should carry some "implication" with it. But our friends were generously retiring from that line, on which I think they ought to stand. There was no consideration in relation to the public lands : no consideration of physical geography which justified the southern representatives in receding one degree south. There was nothing, I say, in the line 35 deg. 30 min. to commend itself to any except to those who had determined from the beginning to avoid the line of 36 deg. 30 m., lest it might carry an "implication" with it.—We were then conceding a great deal when we took that line. But it was voted down. When it was last offered, I know not under what auspices, an amendment was proposed to recognize the rights of the South in the country below 35 deg. 30 m. That was voted down. So we could not get our rights acknowledged in the Territories.

But we are told time and again, that the line of 35 deg. 30 m. would have been agreed to, and the bill passed containing that for the line. This reminds me of a celebrated jumper from Leeds. He was always speaking how far he had jumped, and how many men he could bring to prove it. Finally, one day some one said to him, "save yourself the trouble of hunting up witnesses ; it would cost you much time and expense : just make the jump over again." [Laughter.] Now, sir, if gentlemen have the power to draw that line let them draw it. The southern men who opposed the bill constitute no obstacle to it. I cannot understand how Senators would to-day vote for a line upon such high principles as should govern any member of this body, and to-morrow from a little spite, altogether refuse to vote for such a line. I hope no Senator will take that ground. If that line can be drawn, why not draw it now?"

These extracts are taken from the debates published in the National Intelligencer, August the 8th, 1850, and so totally refute the statements of the Senator, as to leave him no way of escape, from the entire want of confidence in his *private assurances*, that he could have obtained 35 30 as the southern boundary of California, but for the want of support of southern Senators, he finds great fault with the southern senators, and thinks the south has suffered greatly on their account. I concur with him in this opinion if in no other. But the difference between us is, that he places the responsibility upon one class of southern Senators, I place it upon another. He places it upon those who, under all circumstances, maintained the rights of the south. I place it upon those who betrayed them, and the Senator, in my judgment, is not in the category with his own class.

UTAH AND NEW MEXICO.—Of the Senator's course on the Utah and New Mexico Territorial bills I have but a few remarks to make. It was not such as became a southern Senator, and though my time is limited I give it a passing notice. Pending the discussion of these bills Col. Davis introduced as an amendment to them, to remove all doubt as to the Mexican Law, the following, to come in at the end of the 21st section of the Omnibus bill in which they were included :

"And that all laws or parts of laws, usages, or customs pre-existing in the Territories acquired by the United States from Mexico, and which in said Territories, restrict, abridge, or obstruct the full enjoyment of any right, of person or property, of a citizen of the United States, as recognized or guaranteed by the constitution or laws of the United States, are hereby declared and shall be held as repealed."

This amendment so reasonable and so just the Senator spoke against at length, and at another time voted with the abolitionists against the following amendment offered by Col. Davis as an amendment to his own amendment to the compromise bill, to cut off that portion of her Territory south of 35 30.

“ And that all laws and usages existing in said Territory at the date of its acquisition by the United States, which deny or obstruct the right of any citizen of the United States to remove to and reside in said Territory with any species of property legally held in any of the states of this Union, be and are hereby declared null and void.”

The following is the vote :

YEAS—Messrs. Atchison, Barnwell, Bell, Berrien, Butler, Clemens, Davis, of Mississippi, Dawson, Downs, Houston, Hunter, King, Mangum, Morton, Pratt, Rusk, Sebastin, Soule, Turney, Underwood, and Yulee—22.

NAYS—Messrs. Badger, Baldwin, Benton, Bradbury, Bright, Cass, Chase, Clarke, Clay, Cooper, Davis, of Massachusetts, Dayton, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Felch, Foote, Greene, Hale, Hamlin, Jones, Miller, Norris, Pearce, Seward, Shields, Smith, Spruance, Sturgeon. Upham, Wales, Walker, and Whitcomb—33.

So the amendment was not agreed to.

It is true Col. Davis did not believe the Mexican law could *rightfully* prevail in the Territories to the exclusion of the South—the majority of the Southern Senators did not believe it ; a majority of the Southern people do not believe it ; I do not myself believe it. But Mr. Clay and other Southern men believe it did prevail to our exclusion. A majority of the Senators believed it ; the whole North believes it ; the majority in Congress in giving territorial government to these Territories assumed that we were excluded with our property by this Mexican law. Mr. Clay said a majority, of the jurists in the United States were of this opinion, and the law actually prevailed *de facto*, whether rightfully or not, in New Mexico. Under this state of the facts, with this doubt hanging over the rights of the South in these Territories, it was the duty of the Senator, to have supported the amendment and voted to remove this doubt ; to have dissipated every cloud which hung over our rights. His course cannot be approved in not having done so.

But he says the Wilmot Proviso is not attached to these bills. It was not, because the Mexican Proviso, in the judgment of the majority who passed them, was equally fatal to the Southern rights in these territories. Again he exclaims, “ the Wilmot Proviso is dead ! I helped to kill the monster !! I saw him slain !!! I saw him buried !!!! ” If the Wilmot Proviso is dead, it was killed by the united action of the Southern people in determining to resist it, “ at all hazards and to the last extremity.” The same that would have killed the California Proviso, and the Mexican Proviso, and secured all the rights of the South in all the territory acquired from Mexico, but for the desertion of the Senator, and others from the South, who, with him, abandoned the cause of the South. But let us see, after this division in the South, and after the Senator with others from the South had given their support to the scheme of surrender of Southern rights, what are the facts in reference to the death of the Wilmot Proviso, which the Senator has announced with such an air of self satisfied triumph, that it seems if I were to call upon him in the language of the fable, and ask him, “ who killed cock robbin ? ” he would respond, “ I did it.” The day after the passage of the California bill in the Senate, the New Mexico territorial bill was under consideration, and Mr. Chase, of Ohio, moved to attach to it the Wilmot Proviso. The record is as follows, published in the National Intelligencer, August 17th, 1850 :

Mr CHASE I beg leave to submit an amendment to come in in the 9th line of section twenty-two, after the word residents :

“ Nor shall there be in said territory either slavery or involuntary servitude otherwise than in punishment of crime, whereof the party shall have been duly convicted to have been personally guilty.”

The question on the amendment of Mr. Chase, resulted as follows:

YEAS—Messrs. Baldwin, Bradbury, Bright, Chase, Cooper, Davis, of Massachusetts, Dodge, of Wisconsin, Felch, Greene, Hale, Hamlin, Miller, Norris, Phelps, Shields, Smith, Upham, Walker, Whitecomb, and Winthrop—20.

NAYS—Messrs. Atchison, Badger, Bell, Benton, Berrien,, Cass, Davis, of Mississippi, Dawson, Dodge, of Iowa, Downs, Foote, Houston, Hunter, Jones, King, Mangum, Mason, Morton, Pratt, Rusk, Sabastin, Soule, Sturgeon, Underwood, Wales—25.

Here the vote stood twenty to twenty-five on a direct proposition to adopt the Wilnot proviso, in the New Mexico territorial bill, the very day after the admission of California as a state.—Only *five* majority against it, and only *three* Northern members voting against it. Only forty-five votes cast out of sixty, and the Northern members who believed the South excluded from the territory by the Mexican law, dodging the vote. If the Wilnot proviso is dead, since the divisions of the South, and since Southern Senators have abandoned her cause, it is because the North having already robbed the south of all the territory, there is no more—*no, none*—to which the proviso can now be applied, and no thanks are due to the Senator, for having been an eye witness, when the monster was slain, or for any part he may have taken in his death, or his burial.

#### TEXAS DISMEMBERMENT.

The Senator was equally unfortunate in his course on the Texas boundary question His first position was, that the title of Texas to all the territory laid down in her law of 1836, was undeniable and complete—that a sum of money should be paid to her for her ownership of the public lands in that part of her territory called New Mexico—that all her territory was slave territory, and that this principle should be preserved in the territory purchased, without which the risk would be incurred of immediately multiplying the number of free states, which would deeply endanger the whole southern section of the Union. At this time he did not intend to admit California as a state at all, until “freed from her present unfortunate organization.”—He intended to give her a “territorial government.” This position will appear by an extract which I read from a pamphlet copy of his speech in the Senate, dated the 8th January, 1850. It is as follows:

My bill originally proposed to pay to Texas, a specific sum, just one-half of the sum now proposed by the Senator from Missouri, for her ownership of the public lands situated in the country, commonly called New Mexico, north of a line to be run in an easterly direction from the Paso del Norte to the head waters of the Red river; *cautiously reserving, though, to the territory in which the right of property in a portion of the public lands was thus to be purchased the principle of compromise embodied in the resolutions of annexations.* This *reservation*, it will be at once perceived, is an arrangement which cannot be dispensed with without incurring the risk of immediately multiplying the number of free states, and deeply endangering the whole southern section of the the Union.

This extract was immediately followed, by the statement that a territorial government was to be provided for California, and that at some subsequent time when “freed from her present unfortunate organization,” she might be admitted as a state. The position assumed in it, was, in part, more distinctly stated, with some enlargement in his fourth and fifth positions against Mr. Clay’s resolutions, and was laid down by him as follows:

4th. “Considering, as I have several times heretofore formally declared, the title of Texas to all the territory embraced in her boundaries as laid down in her law of 1836, full, complete, and undeniable, I am unwilling to say anything, by resolution or otherwise,

which may in the least degree draw that title into question, as I think is done by one of the resolutions of the honorable senator from Kentucky."

5th. "I am, upon constitutional and other grounds, wholly opposed to the principle of *assuming state debts*, which I understand to be embodied in one of the resolutions of the honorable senator from Kentucky. If Texan soil is to be bought, (and with certain appropriate *safeguards*, I am decidedly in favor of it) let us pay to the sovereign state of Texas the value thereof in money, to be used by her as she pleases. It will be, as I think, more delicate and respectful to let her provide for the management of this matter, which is strictly domestic in its character, in such manner as she may choose—presuming that she will act wisely, justly, and honorably towards all to whom she may be indebted."

In this last proposition, the senator assumed the position distinctly, that he was "upon *constitutional and other grounds*, wholly opposed to the principle of *assuming state debts*" by the general government, and if Texas soil was to be bought that he was decidedly in favor of paying to the sovereign state of Texas, the money for it to be used as she pleased, which would be more delicate and respectful to her, presuming she would act wisely, justly and honorably towards her creditors. This position he afterwards virtually abandoned, in his support of the bill for the dismemberment of Texas, included in what he now calls the compromise measures, it being well known to all of you, that the Bill which appropriated ten Millions to the purchase from Texas of a part of her territory, provides, that Five Millions of this sum shall not be issued to Texas, until her creditors for the payment of whose debts her customs were pledged should file their claims at the Treasury of the U. S. thereby imposing upon Texas the implied obligation to discharge these debts, with the Five Millions thus withheld from her—distrusting in a most indelicate and disrespectful manner, that she would act justly and honorably towards her creditors, and virtually and impliedly assuming this amount of her debt by the Government, in violation of the principle laid down by the Senator, to which he was opposed on Constitutional and other grounds.

But to the first of these positions I wish to call your attention more particularly. In this he laid down the proposition as distinctly as it could be made, and averred it as his opinion several times formally declared that "the title of Texas to all the territory embraced in her boundaries, as laid down in her law of 1836, was full, complete, and undeniable," in reference to which he was *unwilling to say anything by resolution or otherwise*, that might in the *least degree* draw it into question. Now, fellow-citizens, you would not suppose that the Senator ever would have abandoned this position, nor that after this solemn asseveration he would by word or deed ever have disturbed the title of Texas to any part of her territory as defined in her law of 1836. But strange as it may seem, when he went over to the enemies of the South, he abandoned this position and disputed this very title by his speeches and his vote. On the 9th August, pending the discussion in the Senate on the Ten Million Bill, to dismember Texas, the following amendment, by way of substitute, was offered by Mr. Mason, of Virginia, to confirm the title of Texas to all the territory within her limits under her law of 1836, and to define her boundaries as claimed by her under the compact of annexation to the United States. Against this proposition, for which both the Texas Senators voted, and which was directly in accordance with his own original position as to the title of Texas, which he was unwilling to say anything to call in question in any way, the Senator both spoke and voted in the face of his own declarations to dispute this very title. The following is Mr. Masons bill, or amendment, with the vote upon it



“ Mr. MASON moved to amend the bill by striking out all after the enacting clause, and inserting the following :

That by the joint resolution approved March 1st, 1845, for annexing Texas to the United States, it being ordained that “ the territory properly included within and rightfully belonging to the Republic of Texas ” might be erected into a new State and admitted into the Union, it is the opinion and judgment of Congress that the admission of Texas into the Union, with the boundaries prescribed by the laws thereof, not objected to by the United States at the time of such annexation, is conclusive against the United States of the right of Texas to all territory included within such boundaries.

2. *Be it Resolved*, That when in a state of war, and in the absence of actual State authority anywhere without the limits of a State, military possession is taken by the United States, of such part of the territory of a State, such possession can rightfully be considered as taken and held only in subordination to the authority of such State, to be surrendered forthwith on the demand of such State when the war is ended.

3. *And be it further Resolved*, That it is the duty of the United States forthwith to surrender to the constituted authorities of the State of Texas all and any territory within the limits of that State, as the same are prescribed by the laws thereof, which may have been temporarily in the military occupation of the United States during the late war with Mexico.

*Yeas*—Messrs. Atchison, Barnwell, Butler, Clemens, Davis, of Mississippi, Houston, Hunter, King, Mason, Morton, Rusk, Soule, Turney, and Yulee—14.

*Nays*—Messrs. Badger, Baldwin, Bell, Benton, Berrien, Bradbury, Bright, Cass, Chase, Clark, Cooper, Davis, of Massachusetts, Dawson, Dickinson, Dodge, of Wisconsin, Dodge, of Iowa, Douglas, Ewing, Felch, Foote, Greene, Hale, Hamlin, Mangum, Norris, Pearce, Phelps, Seward, Shields, Smith, Spruance, Sturgeon, Underwood, Upham, Wales, Walker, Winthrop—27.

So the motion was not agreed to.

But there is another point connected with this vote to which I wish now to direct the Senator's particular attention. He has said if it can be shown that he has recorded his vote on any question involving the interest of the South connected with slavery—and he pledged himself to abide by it—with Chase, Hale and Seward, that he will resign his seat in the Senate. I have said that I would show it, and that if he would stick to his pledge he would have to resign. The above vote shows it. The name of the Senator stands recorded with Chase, Hale and Seward, and the whole abolition phalanx, in the vote against confirming the title of Texas as a slave state, to the whole of her territory, as laid down in her law of 1836, which she claimed under the compact of annexation, which he said himself was full, complete and undeniable, and which he would not say anything, by resolution or otherwise, to call in question. He voted with Chase, Hale and Seward against the proposition to confirm Texas in the integrity of her entire boundary as a slave state, which would have fixed the territory, beyond any cavil, within her entire limits, as slave territory, when her title to a part of this territory was disputed by the Government, and the adverse proposition in the Senate was, to take from her this part of her territory for a pecuniary consideration, and removing from it the restriction of her “ *assent* ” in its formation into States to place it under the control of an anti-slavery majority in Congress, who disputed it as Texas soil and denied its character as slave territory. I know the Senator will say that this was a mere question of boundary, not involving the interests of slavery. But this will not avail him. Every one will admit that, had the title of Tex-

as to all the territory within her limits been confirmed by act of Congress, by the amendment offered by Mr. Mason, that it would all have been absolutely confirmed as slave territory, by act of the Government, and if subsequently any portion of it had been purchased, the character of that portion would have been fixed as slave territory, beyond cavil or dispute. I could show, from the Senator's own speech, of 8th January '50; which I hold in my hand, that he was himself of the opinion, that to cut off a part of the territory of Texas west of the Colorado, and on the upper Rio Grande with her title in dispute, would make it free soil. But as he has spoken so often on every side of every question, and so differently at different times, I fear his own speech would not be good authority with him, which conflicts with his present position. I therefore give you the opinion of Mr. Webster on this point, who, in the judgment of the Senator, is one of the great champions of Southern Rights. In his speech in the Senate, June 17, '50, Mr. Webster says :

“ Sir, it does not seem to strike other Senators as it strikes me, but if there be any qualification of the general remark which I made, or the opinion which I expressed on the 7th of March, that every foot of territory of the U. S. has a fixed character for slavery or no slavery; if there be any qualification to that remark, it has arisen here, from what seems to be an indisposition to define the boundaries of New Mexico; that is all the danger there is. All that is part of Texas was by the resolutions of 1845 thrown under the general character of Texan territory; and if, for want of defining the boundaries of New Mexico by any proceeding or process hereafter, or by any event hereafter, let me say to gentlemen, that if any portion which they or I do not believe to be Texas should be considered to become Texas, then, so far, that qualification of my remark is applicable. And therefore, I do feel, as I had occasion to say two or three days ago, that it is of the utmost importance to pass this bill, to the end that there be a defective boundary, fixed now, and fixed forever, between the territory of New Mexico and Texas; or the limits of New Mexico and the limits of Texas. Here the question lies. If gentlemen wish to act efficiently for their own purposes, here it is, if in my poor judgment, that they are called upon to act. And the thing to be done, and done at once, is to fix the boundaries of New Mexico.”

Here Mr. Webster distinctly avows the opinion that if the part cut off from Texas remained with her, its character was fixed as *slave territory*—if she was dismembered with her title to it disputed, and the part cut off from her added to New Mexico, as was done by the so termed compromise, its character was fixed as *anti-slave territory*. I have now made good my proposition that I would show the name of the Senator recorded with that of Chase, Seward, and Hale, in a vote involving the interests of the South on the slavery question, on which he pledges himself to resign his seat in the Senate. But he need not be alarmed; as an individual I shall not ask him to resign. The voice of his direct constituency has spoken to him, clothed with the sovereign authority of the people of the State, saying to him that he had misrepresented the interests and will of the people of Mississippi, and that the interests of the State confided to his charge were no longer safe in his keeping, and he passes that unheeded. I do not believe that explosive gun cotton could blow him out of his seat in the Senate.

#### LOYALTY TO THE STATE.

Having now concluded with the Senator on the measures of his favorite “ Scheme of Adjustment,” I come to speak of his loyalty to the State of Mississippi, to which he owes his highest allegiance, and to which he is indebted for, *not his Senatorial honors*, but his

high position as Senator. In a speech made by him in the Senate, June 27th, 1850, and published in the Jackson Southron, July 19, 1850, he says :

“ I hold it to be the most impossible of all impossibilities that the State of Mississippi will ever be found in favor of secession, except in a case of *intolerable oppression*, not now to be apprehended. But sir, if contrary to my belief, contrary to my hopes, that noble and patriotic State shall ever yield to influences, either domestic or foreign, and for “ light and transient causes,” should enlist under the *black banner* of disunion, then humble as I may be, and all unworthy to occupy a seat in this grand national council house, I should scorn any longer to be recognized as the Senatorial Representative here even of the once glorious State of Mississippi. This is plain language ; at such a moment I could use no other ; and it is language not one word of which I shall ever retract, modify, or repent that I have uttered.”

For this single sentiment, if no other, uttered by him as a Senator from Mississippi, upon the floor of the Senate, when it was admitted by all of the South that the Federal Government was aggressing to some extent upon our rights, he should have been instructed out of his seat. As the Representative of the State of Mississippi, to maintain her honor and her interests in the National Senate, he was not authorized to give utterance to such a sentiment. It was not for him to determine what were “ light and transient causes,” which the State of Mississippi, when her sovereignty was invaded, might consider sufficient to determine her to any mode of resistance. This is a question for the people of Mississippi to decide, and not for him as her Senator. A citizen being a traitor to the State might utter such a sentiment, but her accredited representative in the highest branch of the National Legislature can never be justified in doing so. And I doubt not the majority of the people of Mississippi now look with as much “ scorn ” and a great deal more, upon the course of the Senator, as their “ Senatorial Representative,” as he will ever feel “ scorn ” in being considered so. But fellow-citizens, this sentiment was very deliberately uttered by him, and you would suppose that he certainly meant to stand by it, for he says, “ this is plain language ; at such a moment I could use no other ; and it is language not one word of which I shall ever retract, modify, or repent that I have uttered.” This is pretty positive, very emphatic, and it would seem, that if the Senator ever stuck to anything he would stick to this. But he was obliged to abandon even this. He was obliged to change, *he could 'nt help it.*

The day following in the Senate, June 28th, Col. Davis, in reply, as appears by a pamphlet copy of his speech which I hold in my hand, spoke as follows :

“ My colleague has truly represented the people of Mississippi as ardently attached to the Union. I think he has not gone beyond the truth when he has placed Mississippi one of the first, if not the first of the States of the Confederation in attachment to it. But, sir, even that deep attachment and habitual reverence for the Union, common to us all—even that, it may become necessary to try by the touchstone of reason. It is not impossible that they should unfurl the flag of disunion. It is not impossible that violations of the Constitution and of their rights should drive them to that dread extremity. I feel well assured that they will never reach it until it has been twice and three times justified. If, when thus fully warranted, they want a standard-bearer, in default of a better, I am at their command. This is part of my doctrine of allegiance to the people of Mississippi, and with this feeling my colleague will not be surprized to learn that I regretted to hear him suppose a case, contemplate a contingency, in which he would *scorn* to represent the people of Mississippi.”

This was the sentiment of the glorious and immortal Jeff. Davis. The patriotism which it breathed frightened the Senator out of the propriety of his own sentiment, so wanting in respect and loyalty to the State, as is shown in another debate on this subject when it came up again, and Col. Davis again said—

“Not having heretofore discussed the subject of disunion, I do not propose to do it now. I said on a former occasion that I was not here to dissolve the Union, and therefore I am not here to decide when or for what the Union is to be dissolved. I have said before, and I repeat it now, that, as the representative of a sovereign State, I am here truly to maintain her interests and honor, as far as I can consistently with my obligations to the constitution and the dictates of my conscience. When that state shall find disunion necessary this post will no longer become me, and she can call me from hence to use me wherever my mother state may require my unimportant services. I have nothing therefore, to say here as to what should or should not determine the state to dissolve her connexion with the Union. I repeat, this is a question for her decision, not mine.”

The Senator then changed his tune and set his music to another string. Listen to what he says, after declaring that he would *scorn* to be the Senatorial Representative of Mississippi, assuming to himself to decide what might be “light and transient causes” with her, for taking a position of resistance to Federal aggressions and that it was language, *not one word of which he should ever retract, modify, or repent that he had uttered.* The following is an extract from his remarks:

“Mr. FOOTE. I did not intend to quote the language of my colleague for condemnation; but, on the contrary, it was to say that I approved of the sentiments which he expressed. I have not had, so far, an opportunity of displaying my own inclination to do what a man should do, under appropriate circumstances, in defence of his country, when her rights, her peace, or her honor is assailed, yet I trust that I should not be more backward than my colleague himself in maintaining the honor of Mississippi, if it should be put in danger. One thing is certain, that should the State of Mississippi assume such a position as that alluded to, I should return to her limits with as much expedition even as my colleague, in order to perform my duty as a loyal citizen. I shall not be even behind my colleague in rushing to the rescue of our noble state, and hope, after reaching her confines, I should not be far behind him in aught becoming an emergency so perilous.”

Who doubts the *consistency* of the Senator now? Who doubts his *patriotism* and his *loyalty* to this State? Patriotism among the ancients was said to be from the inspiration of the Gods. The Senator's patriotism was at first drawn from Earth, even out of *Clay*, for the Senator from Kentucky had uttered sentiments precisely similar in reference to his own State. But the gallant Davis, breathed into him a holier fire, a purer flame, a loftier patriotism, kindled upon the altar of God and liberty. In this last sentiment he speaks with respect to his State, he seems to think in any emergency he might fight for her, would induce the belief that he is a sort of military man, and even intimates a comparison of his military courage with that of the gallant Colonel of the ever glorious First Rifles.

I have thus, fellow-citizens, traced the Senator through his wanderings. I have, as far as my limited time would allow me, gone through with the history of his changes, and followed him in his windings wherever he has left the print of his “Sandal Shoon or Scallop Shell.” And in concluding this branch of the subject, I say again, what I said to you in the beginning, that with the facts before you which I have now presented,

whatever may be your judgment of the merits of the measures of Compromise, and of the position which Mississippi shall take in the future in reference to them, the course of the Senator must be condemned.

### CONCLUSION.

The Senator, with an unbecoming air of self importance assumes that I am not a competitor worthy to meet him in the high arena of debate, that I am not a foeman worthy of the steel of such a champion as himself, and says, he expects to meet with such wherever he goes throughout the State. I will say to him, that is a question for your decision, not his. I am willing to abide by the judgment you shall render. I will say to him it is unbecoming and unmanly in him, when I came to meet him at his own invitation, which he said others had refused. I will say to him further that I know it is the opinion of would-be great men like himself, who come from the West to look with contempt upon the talent and the wealth of this region of the State—to think it is poverty-stricken in intellect and resources, and that nothing rich grows here but rosin. Well, fellow-citizens, whatever there is of me has grown here, and whether it is rich or not, I leave you to determine. I will not respect the opinions of the Senator who, vanquished on the merits of the controversy, so illy respects his own position as to evade the issues of the contest and resort to personalities.

The Senator says, Virginia has spoken—his native State. Virginia, for which he has a great veneration and affection. She has laid down a platform and acquiesces in the “measures of compromise.” Virginia does not approve his course, else she never would have re-elected Mason to the Senate, almost unanimously, who was the very antipode of the Senator, on every measure of his “scheme of adjustment,” by which the rights of the South were surrendered. If he were there to-day, Virginia would spurn him from her councils as one who having gone over to her enemies, strengthened their hands to inflict upon her the wrongs in which she does not *willingly acquiesce*, but to which she *sullenly submits*. He seems, however, to have a great respect for Virginia, and thinks her Legislature speaks the voice and will of the people of the State. He has not so high a respect for Mississippi. I, too, have respect for Virginia—for the Virginia of the Revolution which gave Washington to America, to dissolve the Union of despotism with Great Britain—for the Virginia of '98 and '99, under the lead of Jefferson and Madison, the apostles and defenders of republican liberty, which Washington and our fathers achieved. But for the Virginia of '51, who, forgetting her sires, cringes at the foot-stool of federal power, and submits, however sullenly, to wrongs knowingly committed, I must confess, no associations connected with her present actions, hallow her in my affections Mississippi is my State. I respect the position she has taken, and which I hope and believe she will maintain to the end. I respect the voice and will of her people, as expressed through her constituted authorities. The Senator respects neither, and in his aspirations for a more dazzling reputation, they fall upon him with deaf ears.

I think now, fellow-citizens, I have shown the Senator that I have read the papers, and that I understand them too. He says I am a good reader, and that I am now only a young David, who when he grew old, came to be the sweetest singer in all Israel, he thinks I may become the sweetest singer in all the land. I will say to the Senator that I am not much given to music, but when the people shall speak to him in *thunder tones* through the ballot-box in September and November next, and consign him to his political grave, I hope to have grown old enough to sing over it the requiem of his National reputation.

My time is out, and I now call upon the Senator, as a Senator and a statesman, to meet the issue I have made, and vindicate himself on this record, which in all fairness I have produced against him. He cannot do it—he will not attempt it. He will undertake to amuse you with anecdotes and buffoonery, and draw you off from the merits of the controversy. Let not the facts as I have stated them, pass from your minds; and I conclude by repeating the declaration with which I set out, that whatever may be your judgment of the merits of the measures of compromise, and of the action which Mississippi may take in reference to them in future, *the course of the Senator must be condemned.*









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